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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

ACCOMPANYING A REPORT TO HIM

FROM

THE SECRETARY OF STATE,

AND SUNDRY DOCUMENTS

RELATIVE TO THE AFFAIRS OF THE UNITED STATES

ON THE

MISSISSIPPI;

THE INTERCOURSE WITH THE

INDIAN NATIONS,

AND

THE INEXECUTION OF THE TREATY

BETWEEN THE

UNITED STATES AND SPAIN.

23d *January*, 1798,

Ordered to lie on the Table.

Published by order of the HOUSE OF REPRESENTATIVES.

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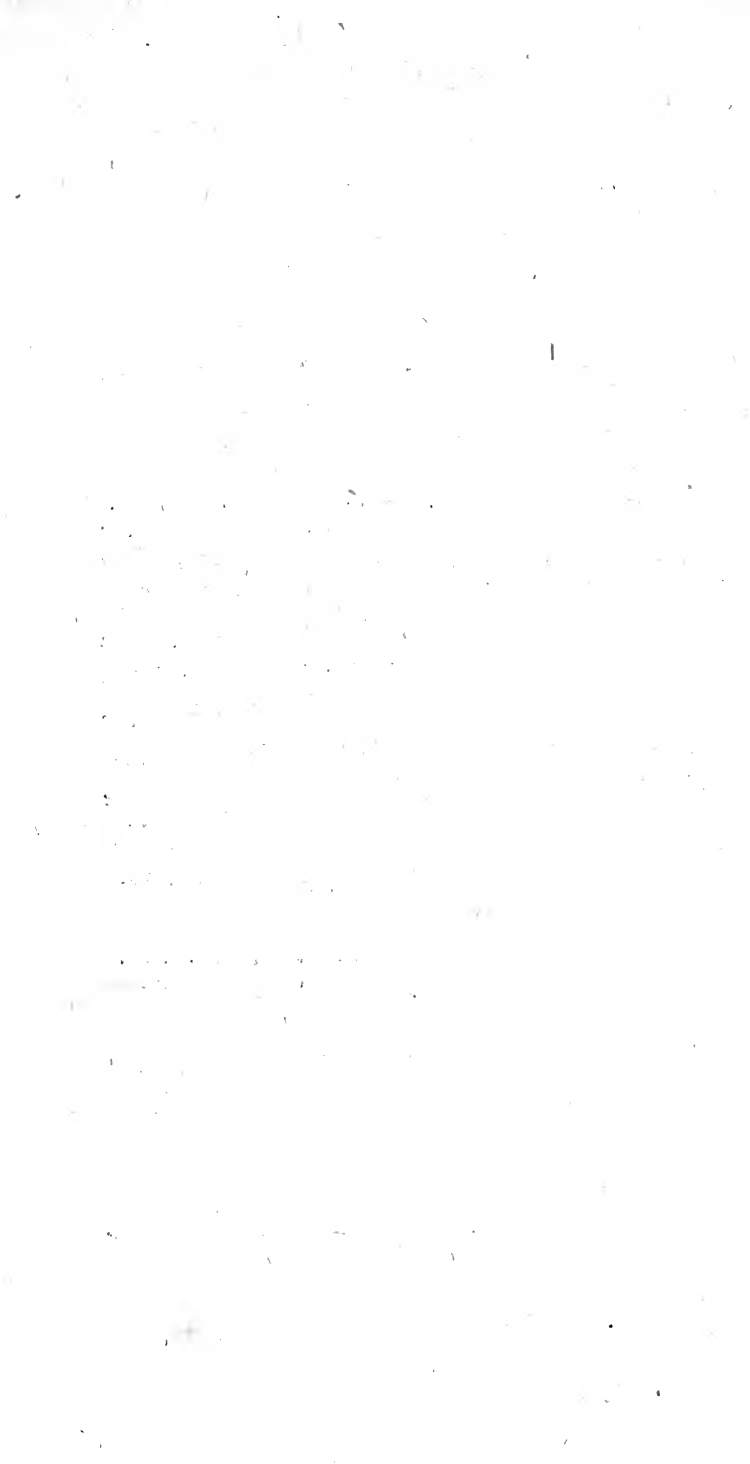
MESSAGE.

Gentlemen of the Senate, and
Gentlemen of the House of Representatives,

AT the commencement of this session of Congress, I proposed in the course of it, to communicate to both Houses, further information concerning the situation of our affairs in the territories of the United States situated on the Mississippi river, and its neighbourhood,—our intercourse with the Indian nations,—our relations with the Spanish government, and the conduct of their officers and agents: This information will be found in a report of the Secretary of State, and the documents attending it, which I now present to the Senate and House of Representatives.

JOHN ADAMS.

UNITED STATES, }
Jan. 23d, 1798. }





REPORT.

To the PRESIDENT *of the* UNITED STATES.

IN observance of your directions I have revised the communications from Mr. Ellicott, the Commissioner of the United States at the Natchez, since my Report of the 3d of July last, which, with the documents therein referred to, you, on the same day, laid before Congress; and now respectfully submit to you a statement of whatever appears therein to be material.

The last letter from Mr. Ellicott, of which a communication was made to Congress, bore date the 10th of May last. His next, dated the 27th of that month, I received the 24th of August. In this he mentions that reinforcements were sent from New-Orleans to the Post at Walnut Hills, and that repairs were made on the Fort at the Natchez: That he had received very satisfactory accounts from both the Chickasaws and Chactaws, that for more than eight months past, they had been tampered with by the Spanish Agents and Traders, to prevent the late Treaty between his Catholic Majesty and the United States from being carried into effect;—though Mr. Ellicott thinks, without success. On the 11th of May, he wrote to Governor Gayoso desiring a definitive answer, as to the time he would be ready to proceed to the determination of the boundaries between the two Nations, as specified in the Treaty;—to which he received an unsatisfactory answer. On the 16th, he addressed to Governor Gayoso a retrospective view of their correspondence, and of that with Lieutenant Pope, exhibiting the repeated promises and demonstrations of running the boundary Line and evacuating the Posts—the non-performance of those promises—and the varied pretences for the delay. To this detail of unfulfilled engagements and contradictory measures, the Governor answered Mr. Ellicott on the 17th, “That he should not trouble him with justifying the motives which had caused *some disagreement* in his (the Governor’s) communications;” adding however, that “they were far from being insincere.”

In his next letter dated the 4th of June, Mr. Ellicott mentions that "The Citizens of the United States who are trading on the Mississippi are frequently treated with great insolence, at the Spanish Posts, and their property taken for the use of his Catholic Majesty, when wanted, and always at a reduced price." He instances the case of a Mr. M'Cluny, from whom a large quantity of flour was thus taken at the Walnut Hills—and of Francis Baily, who was compelled to receive as Cash, in payment for goods sold, a species of paper, which was passing at a discount of twelve per cent.

With this letter Mr. Ellicott transmitted the copy of a Proclamation by the Baron de Carondelet, Governor General of Louisiana, bearing date at New-Orleans the 24th of May; and ordered to be published. In order to dissipate reports, which had alarmed the inhabitants of the Natchez, the Baron therein declares "That the suspension of the demarcation of the limits, and the evacuation of the Forts, which will be comprehended on the other side of the line, is at present only occasioned by the imperious necessity of securing Lower Louisiana from the Hostilities of the English, who (he says) without regard to the inviolability of the Territory of the United States, have set on foot an expedition against Upper Louisiana, which they cannot, however, attack without traversing the aforesaid Territory." But he suggests, that if they made themselves masters of the Illinois Country, they would then attack Lower Louisiana. This fabulous expedition of the English from Canada is thus made the pretence for the non-execution of the Treaty on the part of Spain. "We have thought proper (says the Baron) to put the Post of Walnut Hills in a respectable but provisional state of defence, until the United States, informed of these motives, by the Minister Plenipotentiary of his Majesty to whom we have communicated them, provide against these inconveniences; and by taking the proper steps to cause the Territory to be respected, shall put in our power to fulfil, without danger, the articles of the Treaty concerning limits."

In this Proclamation, the information of the English expedition is represented as having been communicated by the Baron de Carondelet to the Spanish Minister in the United States; but in his next Proclamation, one week afterwards (May 31st) he sets forth that he had received from that Minister information of the expedition from Canada, and, therefore, "had judged it necessary for the surety and tranquility of Lower Louisiana, to suspend the evacuation of the Posts of Natchez and the Walnut Hills." And as early as the first of May, Governor Gayoso, in a letter to Mr. Ellicott, published with the

other documents laid before Congress, at the last session, assigns the information before that day received by the Baron from the Spanish Minister, of the above pretended expedition, as the reason for holding the Posts, and putting them in a state of defence; particularly the Walnut Hills. In the same Proclamation (of which a copy No. 1. is annexed) the Baron affects to consider the march of a detachment of American troops from the Ohio to the state of Tennessee, while it has been intimated, as he says, to the Militia of Cumberland to hold themselves ready to march at the first notice, as an evidence of a hostile attack intended, even by the United States, on Louisiana.

The pretences for holding the Posts in question, and delaying to run the boundary line, having varied from time to time, it may be proper to present them in one view.

—In the month of March—

1st. That it was uncertain whether the Forts, when evacuated were to be demolished or left standing.

2d. That it was necessary to secure the real property to the Inhabitants. And both these points, it was said, must be adjusted by a negotiation between the two Governments of Spain and the United States, prior to the evacuation of the Posts.

3d. That they must be retained until the Spanish officers were sure the Indians would be pacific.

—On the 24th of May—

4th. The English Expedition from Canada, which could not proceed without violating the Territory of the United States.

But in the Proclamation of this date, the putting of the principal Post, that of the Walnut Hills, in a state of defence was declared to be only provisional, and until the United States should cause their Territory to be respected.

5th. On the 31st of May, the Baron's second Proclamation repeats the same pretence, the English expedition, and adds a new one, That the United States were marching troops, and preparing the militia to take the Spanish dominions by surprise. Further motives are also assigned—antecedent menaces by the Commissioner Mr. Ellicott and of Lieutenant Pope and the expected rupture between the United States and France. And new conditions are now mentioned to be performed by the United States, viz: That they should, as a necessary evidence that they have no hostile intentions against the Spanish Provinces, either leave the Post of the Natchez, or the Walnut Hills, in possession of Spain as “The only bulwarks of Lower

Louisiana to stop the course of the British"; or give to the Spaniards "Security against the article of the Treaty with Great-Britain which exposes Lower Louisiana to be pillaged and destroyed down to the Capital. Then (says the Baron) we will deliver up the said Posts, and lay down our arms, which they (the United States) have forced us to take up, by arming their militia in time of peace, and sending a considerable body of troops by round-about ways to surprize us."

Pretences more frivolous, or more unfounded and unwarrantable, were perhaps never urged as reasons to excuse a violation of the faith of Treaties. Never, perhaps, was conceived a more absurd idea, than that of marching troops from the Ohio to the State of Tennessee, and thence to the Natchez, in the whole a tedious, difficult, and expensive route of many hundred miles, chiefly through a wilderness;—when, if the United States had any hostile views, they had only to collect their troops to the Ohio, and suffer them to be floated down that River, and the Mississippi, almost without labour, with great expedition and at small expence, to the country to be attacked. But the suggestion is as false as it is absurd.

Neither does any article of the Treaty between the United States and Great-Britain (the Baron doubtless means the Treaty of 1794) nor the explanatory article of 1796, give to Great-Britain any new right respecting the navigation of the Mississippi, and consequently do not expose, more than it was before exposed, Lower Louisiana to be pillaged and destroyed by the British. But this question having being fully discussed in my letter of the 17th of May last to the Spanish minister, and his reasoning demonstrated (as I conceive) to be utterly unfounded, it would be a waste of time to add any further observations upon it.

If the posts of the Natchez and Walnut-Hills "are the only bulwarks of Lower Louisiana, to stop the course of the British," as the Baron asserts, and if, therefore, Spain is justifiable in holding them—she may retain them without any limitation of time—for her security in any future war, as well as in that which now exists. But this, like all the other reasons which have been before advanced, is merely ostensible. The true reason is doubtless developed by the Baron in his proclamation of the 31st of May. *The expectation of an "immediate rupture between France, the intimate ally of Spain, and the United States."*

The Spanish minister having resumed this subject in his letter to me of the 11th of July, his own printed translation of it, and my answer of the 8th of August, are hereto annexed; together with his letter of the 19th of August, acknowledging the

receipt of that answer, and his two subsequent letters of the 9th of October and 21st of November. With the last it seems proper to lay before you a paper signed VERUS, which appeared in the Aurora, printed by Benjamin Franklin Bache, on the morning of the 23d, containing in substance his letter of the 22d, which I received the preceding evening, and some additional expressions which the Minister himself deemed too gross to be addressed to the government under his proper signature; but which, under the circumstances here mentioned, must necessarily be ascribed to him.

In his next letter, Mr. Ellicott gives an account of an insurrection of the inhabitants of the Natchez. A minute detail of the circumstances which gradually tended to produce this event, he says, would fill a volume. The following relation is extracted from his letter of June 27th. "The delay (says he) on the part of the Spaniards, to carry the late Treaty between his Catholic Majesty and the United States into effect, gave great uneasiness, which was daily increased by the Spaniards reinforcing and repairing the Fort at this place and the Walnut Hills. The people considered those preparations as a determination on the part of Spain to retain the country, notwithstanding the late Treaty. A disposition was frequently manifested to resist the laws of Spain; but they were, nevertheless, submitted to without a direct opposition, until Friday the 9th instant, when a Mr. Hannan, a preacher among the Baptists, was taken on some trivial pretence, and confined by his legs in a small building within the fort. This was considered as an attack upon the privileges of the citizens of the United States (Mr. Hannan being one) and a determination, at all events, to enforce the laws, civil and religious, of Spain, with rigour. Under this impression the inhabitants flew to arms, and the Governor and principal officers of government took refuge in the Fort. Thus in less than ten hours, by an unnecessary exertion of power, the authority of the Governor was confined to the small compass of the Fort."

"Saturday the 10th, the opposition to the Spanish Government had extended almost over the district. Sunday the 11th, a number of enterprising opposers of the Spanish Government called upon Lieutenant Pope and myself, and declared their determination of commencing hostilities, in consequence of the imprisonment of Mr. Hannan, and a proclamation of the Baron de Carondelet (that of the 31st of May before mentioned) *which they considered as a declaration of war against the United States*: To oppose them directly would have put an end to our influence in the Country; and to encourage them, in

my opinion, would have been improper, as the United States had not extended their jurisdiction to this district. I, therefore, on my part, resolved to do neither; but, to divert their attention from immediate acts of hostility, proposed to them, to make a formal declaration of their being, by the late Treaty, Citizens of the United States, that they might have some claim to protection; but at the same time not to lose sight of their personal safety, and act on the defensive only. This had the effect I expected. On the Evening of Monday the 12th, Mr. Pope and myself received a verbal message from Governor Gayoso, by his Adjutant Major Minor, to the following purport, "Gentlemen, Governor Gayoso requests the favour of an interview with you, all as private Gentlemen: the interview to be without the Fort, to see if some plan cannot be devised to quiet the present disturbance in the Country." To this message I replied, that "I had no objection to the proposed interview, that I approved of peace, and would join in any measures for that purpose, consistent with the honour and safety of the people, who generally considered themselves Citizens of the United States." Mr. Pope's answer was very different, and to the following effect. "You will please to inform Governor Gayoso that I will not agree to the interview, nor have any correspondence with him, but what shall be official; and I will repel by force, any attempts that are made to imprison those who claim the privileges of being Citizens of the United States." As the message was jointly to Mr. Pope and myself, and Mr. Pope would not attend, I informed Major Minor that I should not attend alone. All my address was now exerted to avert the storm, and bring it to a favourable issue; and I could see no mode so likely to answer the purpose, as measures apparently decided. Under this impression, about 10 o'Clock in the Evening, after Major Minor had been with us, I entered my approbation to a letter written by Mr. Pope to a large number of the Inhabitants of this district, assembled at a Mr. Belt's, about nine miles from this place*. On the morning of the 13th, I received a letter (No. 2.) from Governor

* This letter from Lieutenant Pope has since been transmitted by Colonel Anthony Hutchins of the Natchez, to the Department of State, and is as follows.

"Natchez Camp 12th June 1797.

"Fellow Citizens of the District of Natchez.

Having received information that a number of you will be collected at my friend Belt's, in conformity to an indirect invitation sent to you for that purpose, I have now positively to make the declaration to you that I have made this evening to Governor Gayoso, that I will at all hazards protect the Citizens of the United States from every act

Gayoso, to which I immediately returned an answer (No. 3.) The ensuing evening about 11 o'clock, I received a verbal message, by Mr. George Cochran, contractor for the United States at this post, from Governor Gayoso, requesting a private interview with me at the House of Mr. Cochran (which is in the neighbourhood of the fort) at 9 o'clock the next morning: to this I had no objection, as I supposed the object of the interview was to fall upon some plan of an accommodation. The next morning, being the 14th, I met Governor Gayoso, according to his request. He appeared much agitated at first, but soon became calm, and we entered upon the subject of the tumult in the Country: He was desirous to know upon what terms the people would be willing to disperse. I proposed the outlines of an accommodation, to which he acceded. In order to prevail on Mr. Pope to consent to an interview with Governor Gayoso, I spoke to Mr. Cochran and several other of his friends, whose influence prevailed, and the interview took place at the Government House, about 5 o'clock in the afternoon; when, after some discussion, the Governor proposed the terms (No. 4) on which he was willing to accommodate with the people: Mr. Pope had some objections, but at length withdrew them. On Wednesday morning the Governor published the Proclamation (No. 5.) founded in part upon the terms which were agreed upon at our interview. But this Proclamation had not the desired effect; in some places it was torn to pieces. The words "Candid repentance," rendered the whole obnoxious.—The people considered themselves not only Citizens of the United States, but supporting a virtuous and honourable cause; and, therefore, in no need of "repentance". As soon as I discovered that the Proclamation had

of hostility—I mean all such as reside North of the 31st Degree of North Latitude, or within thirty nine miles due South of the Natchez. I now therefore, call on you in the most solemn manner, to come forward, assert your Rights, and you may rely on my sincere corroboration to accomplish that desirable object.

I shall expect your assistance to repel any troops or hostile parties that make an attempt to land for the purpose of reinforcing this Garrison or other purposes detrimental to the Inhabitants of this Country.

PIERCY S. POPE

Commanding U. S. Troops, Natchez.

From the present alarming situation of this Country I fully approve of Captain Pope's letter of this date to his Fellow-Citizens assembled at Mr. Belt's.

ANDREW ELLICOTT.

Commissioner U. S. 12th June, 1797.

A true Copy, Examined per

THOMAS M. GREEN.

no effect, I gave the information to the Governor's Adjutant, Major Minor. The business now put on a very serious aspect, and hostilities appeared inevitable. By this time the opposition to the Spanish Government had assumed some form; a number of respectable militia companies had elected their officers, and were ready to take the field. Friday the 16th, it was agreed that a meeting of the principal Inhabitants of the district should be held at Mr. Belt's on Tuesday the 20th. In the mean time both sides continued their preparation. Companies of militia were forming and organizing in the Country; and the Governor exerting himself by strengthening and reinforcing the Fort. He called to his aid every person who would join him, either through attachment or fear: he was, nevertheless too weak to attempt any offensive operations. On Saturday, the 17th, about 10 o'Clock at night, a Spanish patrolle fell in with a patrolle from our Camp, and fired upon it, the fire was returned; but I believe that there was no damage done. On Sunday Evening, the 18th, I received a verbal message from the Governor, by his Adjutant, Major Minor, requesting a private interview with me the next morning, at the House of his Adjutant; to which I consented without any hesitation. The next morning he left the fort and rode by a circuitous route to the Adjutant's place, where I joined him. Our conversation immediately turned upon the State of the Country; he assured me that he was very desirous of coming upon some terms of accommodation; and as he understood that I intended to attend the meeting the next day at Mr. Belt's, he requested that I would be so good to use my influence to bring about a compromise. I told him that was my object; and that a plan had already been agreed upon by Colonel Hutchins and myself, to check, and finally put an end to the present disturbance; but no terms could now be expected that were not honourable for the people: they had felt their strength, and would only agree to return home by being admitted to enjoy a state of neutrality, so far as it respected military operations, till the late treaty between his Catholic Majesty and the United States should be carried into effect. To this privilege I thought them entitled; but to go farther would be impolitic, and probably attended with ruin to individuals, if not to the District. As the Governor did not appear dissatisfied with my observations, I took it for granted he would agree to a qualified neutrality.—On Tuesday the 20th, I attended the meeting at Mr. Belt's, which was large and respectable.

Here it was concluded that a Committee should be appointed to take the situation of the Country into consideration, and make arrangements with the Governor for restoring peace and

tranquility ; which arrangements should, as a greater security to the people, be ratified by the Governor General, the Baron de Carondelet. Seven Gentlemen were accordingly elected as the Committee, and Mr. Pope and myself were requested by the same meeting, unanimously, to attend with them. The Committee immediately wrote a note to the Governor, informing him of their election ; to which the Governor returned a polite reply ;" expressing his happiness that this salutary measure was adopted. " On Wednesday the 21st, the Committee met and proceeded to business ; and after much deliberation and several interviews with the Governor, the propositions (No. 6.) on the 22d, were agreed to, and confirmed by the parties. On the same day, Mr. Pope and myself presented the Governor our engagement (No. 7.) to co-operate with the Committee, in preserving peace and good order in the Country. On the 23d, the Governor's Proclamation (No. 8) embracing the four propositions was published, which gave general satisfaction, and once more restored tranquility to the District: thus ended this tumult, without a single act of violence having been committed during the suspension of the Government and Laws, for the space of two weeks. From the Baron de Carondelet's Proclamation of the 31st of May, it would appear that I had menaced the Spanish Government of Louisiana. This is wholly a misrepresentation, and calculated to answer the worst of purposes. Ever since I came into this Country I have been a cultivator of peace and harmony between the Spanish and American Governments, for which I have been frequently censured by many Citizens of the United States, who have come on to this place since the ratification of the late Treaty between the United States and the King of Spain.—But when the late tumult began, I could not hesitate as to the part I should take ; and in taking the part I did, peace was my main object. If my endeavours have had the least share in bringing about the honourable compromise between the Governor and the people, I shall think myself amply rewarded for the trouble and anxiety I have experienced on that occasion."

The agreement between the Committee and Governor Gayoso, was in due time ratified by the Governor General, the Baron de Carondelet.

Mr. Ellicott, in his letter of September 12th (which was received the 16th of November) mentions that Governor Gayoso had succeeded the Baron de Carondelet as Governor and General in Chief of Louisiana, and gone to New-Orleans, and had committed the government of the Natchez district to major Stephen Minor.

His communications relative to the Choctaw nations, shew their friendly disposition towards the United States, and determination to remain at peace.

It appears that there is an unhappy dissention among the inhabitants of the Natchez; one party blaming, and the other decidedly justifying the conduct of Mr. Ellicott, as uniformly calculated to maintain the tranquility and happiness of the settlement. At the head of the former is Colonel Anthony Hutchins.

Mr. Ellicott pointedly denies the charge of the Spanish Minister—That he intended to get possession of the Natchez fort by surprize; of which the minister said Governor Gayoso possessed the proofs; and far from evading an inquiry, desires Governor Gayoso to furnish the minister with all the evidences he possesses to substantiate the charge.

In his next letter, dated the 24th of September, Mr. Ellicott incloses a resolution (No. 9.) of the permanent Committee manifesting their confidence in him, and requesting him to represent the present situation of the District to the President of the United States, and also all the measures which from his knowledge of the circumstances of the country, acquired by his residence there, he shall deem to be conducive to its future welfare; “In the event of the late Treaty between his Catholic Majesty and the United States, being carried fully into effect.”

Mr. Ellicott has accordingly expressed his opinion, founded on very cogent reasons, that the form of government established for the Northwestern Territory, will be the most proper for the Natchez District; with the exception respecting *Slaves*, which was admitted when the same form of Government was given to the Territory south of the river Ohio, now the State of Tennessee. His information in this letter respecting the titles to the Lands held in that Country by the Inhabitants, will be useful when the introduction of a Government there, under the authority of the United States, shall be contemplated.

By the communications in this dispatch, it appears that the permanent Committee, which are considered as an important part in the present administration of the affairs of the Natchez District, were chosen freely by the inhabitants, assembled with the consent of the Governor, and that they have his approbation for their steady zeal in promoting the peace of the Country.

On the 28th of November, I received Mr. Ellicott's letter of the 7th of October, at which time no change had taken place in affairs at Natchez.

He incloses the copy of a letter from Governor Gayoso, dated at New-Orleans the 14th of September, in answer to one from

Mr. Ellicott of the 6th, in which he referred to the representations of the Spanish Minister in his letter to me of the 24th of June last (which, with other documents, was laid before Congress on the 3d of July) criminating Mr. Ellicott's conduct at the Natchez; particularly that he intended to possess himself of the Natchez fort by surprize; and desired the Governor to furnish the Minister with those proofs which the Minister had asserted to be in his possession. In the Governor's answer of September 14th, he says to Mr. Ellicott—"I am sure the proofs in my possession, that the Chevalier de Yrujo refers to, are the remainder of the copies of your letters to me, which he then had not, but long before this must have received. You may be assured I never made any other construction upon your expressions than that which may be conceived by every person in the United States."

In the same letter of September 6th, Mr. Ellicott says, "So far as I can judge at present, all the obstacles which occasioned the delay on your part, in ascertaining the boundary lines between his Catholic Majesty's provinces of East and West Florida and the Territory of the United States are now removed: I, therefore, wish to be informed when you can with convenience proceed to the running of the lines above mentioned."

The Governor in his answer of the 14th, says, "Those difficulties which alternatively have caused a suspension in the execution of that part of the Treaty between his Majesty and the United States, in which we have the honor to be concerned, subsist yet: and the conduct of the Spanish officers is completely justified to the world, by the publication of Mr. Blount's letter and the correspondence between the Secretary of State and Mr. Liston. Until the King, my master, has those assurances which are necessary from the United States, to secure the safety of this Province, you cannot reasonably expect that I should be authorized to act in a different manner than hitherto. As soon as I receive orders, removing the present obstacles, I shall cheerfully proceed to the running of the boundary lines."

To this Mr. Ellicott replied, and recited the obstacles to the execution of the Treaty which at different times had been presented by the Spanish Governors, and which he conceived to be completely removed by the declaration of the President in his message to Congress, on the 12th of June, the uniform conduct of the United States in respect to the Indian nations, and the exhibition of facts respecting the pretended expedition of the English from Canada, and the navigation of the Mississippi.

Mr. Ellicott's next letter is dated at the Natchez the 27th of October, and was received the 5th instant. He says that country "Is in great confusion;" owing to the intrigues which have

produced two parties among the people. He adds "Congress at their last session, by not coming to any decision relative to this Territory, has weakened the interest of the United States among the Inhabitants more than you can conceive. It has been artfully propagated, from that circumstance, that the Treaty in all probability will not be carried into effect, and the country remain as heretofore under the jurisdiction of his Catholic Majesty:" which belief is producing its natural consequences.

He represents the permanent Committee as unwearied in their endeavours to promote peace and good order, and the characters of its members as among the first in that Country for respectability; which is confirmed by the Certificate (No. 10) of the temporary Governor, Major Minor; which also shows that they are acknowledged, as an authorized Body, by the Spanish Government.

His next letter is dated at the Natchez the 14th of November, and was received the 4th instant. He details the different facts and circumstances which have led him to think that designs are carrying on in the district unfavorable to the Interests of the United States.

Colonel Anthony Hutchins presented to the temporary Governor an application dated the 9th of August, setting forth, that altho' the Inhabitants in general in their present state of Neutrality, are well disposed, and submit "To the presiding authority and the prevailing laws that are now executed with mildness;" yet conceiving and firmly believing that the Treaty between the United States and Spain will be carried into effect, "and that there is *more than a probability that the United States will avail themselves of the claim of dominion to the 31st degree of north latitude*: under which consideration they conceive it expedient to appoint a man of some abilities, with the appellation of agent to address Congress on important occasions, and that there may be also a Committee of Safety who may correspond with such Agent, and from time to time communicate to him the sense and will of the people:" He therefore, "In behalf of a very respectable number of the Inhabitants of the Natchez, and at their request, solicits for permission that elections may be held in the several districts within that Province and in the town of Natchez, to elect such Agent and such Committee of safety and Correspondence on the second of September" in the manner described by Colonel Hutchins in his application. This required that the Alcaldes (or Justices) should hold the elections, or in their default certain assistants, *whom he names*; and that the Alcaldes and assistants should not be eligible: it also proposed to admit as voters all the inhabitants settled and

residing in the district who were "not less than *eighteen* years of age."

To this request of Colonel Hutchins, the temporary Governor acceded; as appears by his act (No. 11.) dated the 16th of August.

"Immediately upon this being made public (says Mr. Ellicott) it excited considerable alarm, and was generally considered by the well disposed inhabitants as an artful measure, calculated to divide the people between the two Committees, which if effected, would in all probability end in a breach of the *neutrality* by one or other of the parties, and thereby produce the re-establishment of the Spanish Government."—Under this impression, six of the ten sub-divisions, of which this district is composed, protested against the election, of course there were but four elections held agreeably to the permission"—Among the reasons assigned in the protests against this proposed election, were these; "Because (say the protesters) we dread the effect of such a precedent, which appears to us to involve the seeds of anarchy, and an open contempt of the authority invested in the Committee, our only legal representatives."—"Because by the mode of election not less than thirty of our most intelligent and respectable citizens are rendered incompetent to serve either as the said Agent or in the Committee."—"Because it is calculated to introduce a direct innovation in the principles of election, by admitting to the privilege of voting persons of the age of eighteen"—And "because neither the powers of the Agent nor Committee are properly defined."

Mr. Ellicott states that the four persons elected in the other four sub-divisions, "with Colonel Hutchins at their head," proceeded to business. Afterwards another member was added by the nomination of ten voices in one sub-division; and a sixth was appointed by the *subscription* of fewer than thirty persons. The committee thus constituted, produced a very long "Petition and memorial" addressed to the "House of Representatives of the United States in Congress assembled," of which Mr. Ellicott has transmitted a copy; but of which it does not seem necessary to anticipate the presentation to Congress by the agent to whom it may for that purpose be committed. One object of the memorial seems to be to criminate the conduct of the American Commissioner, Mr. Ellicott, and the commander of the troops, Captain Pope. But proofs accompany Mr. Ellicott's communications that this part of the long memorial was concealed from many who subscribed it, and other testimonies in vindication of those officers. The exhibition of these documents, I have thought might also be suspended, until the

“Petition and memorial” were presented to Congress. It may, however, be proper to remark, that the memorial, as well as the proceedings of the regularly appointed permanent committee, view the actual establishment of a government at the Natchez, under the authority of the United States, as to take place only when its present state of neutrality shall cease ; that is, when the Spanish jurisdiction shall be withdrawn. But as this may happen when Congress is not in session, and, if in session, much time must elapse in the ordinary course of doing business, before the form of government proper to be introduced at the Natchez may be agreed on ; considering also the further lapse of time before it can be organized, and put in operation, in a country so remote from the seat of the general government : it appears highly expedient that the subject should now be taken up, and the necessary arrangements made, to prevent the inconveniences and mischiefs which may result from leaving a population of five thousand persons, for any length of time, without the powers of government.

It remains for me to make a few remarks on the letters of the Spanish minister of the 9th of October and 21st of November.

The principal object of the former, appears to be, to introduce some evidence to show that Mr. Ellicott and Lieutenant Pope had conducted towards the Spanish government in a manner irregular, provoking, insulting, and in some degree hostile. He adduces, as proofs, the documents inclosed in his letter, and numbered from 1 to 6.

The declaration that Governor Gayoso had positive advice that in the camp of Lieutenant Pope, *scaling ladders and arms were preparing*, having for their object an assault on the Natchez fort, is perfectly new. I have never received an intimation of it from any other quarter. Besides, this charge rests only on “positive advice,” not positive *proof*—and is doubtless without any proof.

Governor Gayoso, in his letter of the 13th of June to Lieutenant Pope, says he is informed that some of the inhabitants intended to attack the fort ; and at his instigation ; and asks whether he had stirred up the people to take the fort ? or incited them to other hostile acts ? To each of which questions Lieutenant Pope positively answers, no. To similar questions put to Mr. Ellicott he also peremptorily answers in the negative. The documents which the minister himself has furnished contain these questions and answers ; and should have prevented the insinuation here noticed.

The other charge in the same paragraph, that Mr. Ellicott and Lieutenant Pope, discouraged by the firmness and vigilance

of Governor Gayoso, from attempting to take the forts at the Natchez and Nogales (Walnut Hills) by force or surprize, they availed themselves of some profligate people to excite an insurrection, is alike void of foundation. The rise, progress, and issue of the insurrection is satisfactorily exhibited in Mr. Ellicott's letter of June 27th, from which copious extracts have been herein before given. And with respect to the fort at Walnut Hills, they could never have entertained the remotest idea of taking it in one way or the other : its situation being about one hundred miles from the Natchez, up the Mississippi, and its garrison composed of a force probably two or three times superior to that under the command of Lieutenant Pope.

The minister considers as an insult towards the Spanish government, the following expression of Mr. Ellicott in his letter of the 13th of June to Governor Gayoso : " The people cannot with propriety be censured for recurring to that conduct which will ultimately secure their felicity." " This (says he) is clearly an indirect attack upon the Spanish government, as unjust as improper on the part of an agent of a friendly nation."

It may be pertinent here to remark, That when Mr. Ellicott was commissioned as the agent of the United States, nothing was less expected than that he would be obliged to enter upon a tedious controversy with the Spanish officers on subjects really foreign to the business of his mission—that of running the boundary line between the territories of the two nations. If, after waiting several months to begin that operation ; if, after being repeatedly promised that it should very soon be commenced ; if, after repeated violations of these promises, and others relative to the evacuation of the forts, and procrastinations resting on a succession of pretences, frivolous, unreasonable, and unfounded, Mr. Ellicott should have felt some irritation, and been provoked to some indiscreet acts, it would not be surprising. Whether, however, any part of his conduct merits the character of indiscretion, may be determined by the documents now and formerly exhibited ; for he has not sought concealment.

But if the inhabitants thought, what Mr. Ellicott expressed, that a change from the jurisdiction of Spain to that of the United States " would ultimately secure their felicity," it may be accounted for by a few facts, which will justify both one and the other.

It is well known that the inhabitants of the Natchez district consist chiefly of persons who were formerly British subjects and their descendants, and of emigrants from the United States. All these, born and educated under forms of government so essentially different from that of an absolute monarchy ; and, especially, in all criminal and civil causes, accustomed to a

mode of trial peculiarly dear to the inhabitants of England and of the United States, and which the constitutions of the latter have so formally and scrupulously guaranteed, the trial by jury:—the inhabitants also being nearly all Protestants; and in the United States, persons of all persuasions enjoying the most perfect religious as well as civil liberty, they could not be indifferent to,—it is impossible that they should not prefer a jurisdiction, which would perfectly secure to them both their civil and religious rights. I need not remark, that, under the Spanish government, trial by jury is unknown; and at the Natchez the Governor was the Legislator and the Judge; and regulated and restrained their civil and religious rights. As an instance, might be cited Governor Gayoso's proclamation of the 29th of March 1797, numbered XV in the documents which were laid before Congress on the 12th of June last. By that act he suspends the collection of debts, and restrains to *private meetings* the exercise of any other than the Catholic religion. These are his words—"This being the season in which the planters are employed in preparing for an ensuing crop, none shall be disturbed from that important object on account of their depending debts." "Liberty of conscience is hereby positively explained to be, that no individual of this government shall be molested on account of religious principles; and that they shall not be hindered in their *private meetings*; but no other *public worship* will be allowed but that generally established in all his majesty's dominions, which is the *Catholic religion*."

The minister also complains that Mr. Ellicott and Mr. Pope interfered in political matters; because they engaged themselves to co-operate with the committee appointed to preserve the peace and to obtain the due execution of justice, and *approved* of the propositions presented to Governor Gayoso. But a recurrence to the foregoing narrative extracted from Mr. Ellicott's letter of the 27th of June, and the documents he refers to, will show that both were requested to interfere, and that they were called on by the Governor to be consulted on the means of putting an end to the insurrection—and that the result of that consultation was a plan of accommodation, a proposal of measures which (as asserted in another document not before quoted*) "through the influence of Mr. Ellicott and Captain Pope were adopted."

A few words on the Spanish minister's letter of the 21st of November, will conclude this report..

* Letter from George Cochran to the permanent committee, in October.

Referring to his letter of the 6th of May, and to my answer of the 17th (which are among the documents laid before Congress on the 17th of May) he says—"His Catholic Majesty has not observed in the said answer from you, any reason to induce him to change his opinion concerning the injuries resulting to his subjects from the stipulations of the English Treaty, compared with those of the Treaty with Spain, as well on the subject of the articles of contraband, as on the principle adopted in ours, "That free ships shall make free goods, &c."

"But what has most astonished his Majesty, and confirmed him in the justice of his pretensions, is what you have said in your answer with regard to the navigation of the Mississippi."

It is much to be regretted that difficulties should be raised and persevered in, on questions so plain and easy to decide. Without entering again into a particular discussion of this subject, a single fact, which on the 17th of May, I supposed probable, and which I am now authorized to assert, is sufficient to obviate all the objections and arguments which have been adduced by the Spanish Minister. It is this—That when the Treaty between the United States and Spain was negotiated by Mr. Pinckney with the Prince of Peace, the latter was furnished with an entire copy of the Treaty of Amity, Commerce and Navigation, between the United States and Great Britain: consequently it is to the last degree preposterous for the Spanish Government now to complain that the Treaty with Great Britain rejected the principle that "Free ships made free goods," or that it extended the list of Contraband. With a perfect knowledge of the articles of the British Treaty on these points, if the Spanish Government had any objections to make, that was the time; and to have refused to enter into different stipulations with the United States; but having, notwithstanding, voluntarily entered into them, it cannot now offer and insist on such objections, without a manifest departure from the principles of candour and good faith.

The same observations will apply to the question concerning the navigation of the Mississippi.

In the first place, the Spanish Government, when its Treaty of Peace with Great Britain was concluded at Paris on the 3d of September 1783, by which West Florida was ceded to Spain, well knew that by the Provisional Treaty between Great Britain and the United States, concluded at Paris the 30th of November 1782, the articles of which constituted the definitive Treaty of Peace between these two powers,—it was stipulated that "The navigation of the river Mississippi, from its source to the Ocean, shall forever remain free and open to

the subjects of Great Britain and the citizens of the United States." And yet even this stipulation, which was inviolably binding on the United States, by the Provisional Articles before mentioned, nine months before West Florida was ceded to Spain, is now strangely objected to by the Spanish Minister, and as a reproach to the United States!

In the next place, when our Treaty with Spain was concluded on the twenty seventh of October 1795, the Spanish Government possessed the like perfect knowledge, that eleven months preceding, viz. on the 19th of November 1794, in the Treaty of Amity, Commerce and Navigation, between the United States and Great Britain, the above stipulation of 1782 and 1783 was recognized in these words—"The river Mississippi shall, however, according to the Treaty of Peace, be entirely open to both parties." And on this occasion the Spanish Government did object; it wished the United States to enter into a mutual stipulation with Spain for the purpose of *excluding* Great Britain from the Navigation of the Mississippi: but the Minister of the United States explicitly refused to do it; and in writing assigned the reason—That it would violate the good Faith of the United States previously pledged to Great Britain: and the Spanish Government gave up this objection, or the Minister of the United States would not have concluded the Treaty. How truly astonishing is it, after all this, that the United States should be reproached for the stipulation with Great Britain respecting the Navigation of the Mississippi! And as having thereby *offended* and *insulted* Spain! And how long is our patience to be abused by such unfounded charges?

But although the Chevalier de Yrujo, in his argument upon this point, refers alike to our treaty of peace with Great Britain in 1783, to our treaty of Amity, Commerce, and Navigation in 1794, and to the explanatory Article of the latter concluded on the 4th of May 1796, yet in the end, as if conscious that his observations, as applied to the two former, were impertinent, he confines his charge to the latter, and says that "His Catholic Majesty has just motives for being offended with the *Explanatory Article* signed on the 4th of May 1796." But neither does this explanatory Article contain any new stipulation. It recognises the principle, that a subsequent treaty cannot annul any stipulation of a prior treaty, and declares, that the subjects of His Britannic Majesty and the Citizens of the United States, and the Indians dwelling on either side of the boundary line between the two powers, "Shall remain at full liberty freely to pass and repass, by land or inland navigation, into the respective territories and

countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, *according to the stipulations of the said third article of the Treaty of Amity, Commerce and Navigation:*" Thus recurring to, and resting upon the Treaty of November 19th, 1794, which, as above observed, the Chevalier himself finally abandoned, as affording no cause of complaint, and without which the Explanatory Article itself would be a nullity.—

TIMOTHY PICKERING.

Department of State, January 22, 1798.

CONFIDENTIAL - FRODO BAGGINS

[illegible]



—DOCUMENTS.—

(No. 1.)

*The Proclamation of the Baron de Carondelet of the 31st of
May, 1797.*

THE Government being informed by his Majesty's Ambassador to the United States of America, that an expedition assembled on the lakes was intended to attack the Illinois, has judged necessary, for the surety and tranquility of lower Louisiana, to suspend the evacuation of the posts of Natchez and the Walnut Hills, being the only Posts that cover it; the possession of which will put the English in a situation to disturb and ravage the Country, in case they render themselves masters of upper Louisiana, with so much more facility, as by an article of the Treaty concluded posteriorly with Great Britain, the United States acknowledge that the English may freely navigate and frequent the posts belonging to the said States, situated on the rivers in general, lakes, &c. being a manifest contradiction to the Treaty concluded with Spain, which it appears to annul, because by this the United States acknowledge that no other nation can navigate upon the Mississippi without the consent of Spain.

Notwithstanding the legitimacy of these motives, the suspension has been represented to the Congress of the United States with all the necessary veracity, and intimated by our orders to the Commissary of limits, as well as to the Commandant of the detachment of American troops now at Natchez. We are now informed that a detachment of the Army of the United States cantoned on the Ohio, are on their way by Holstein towards Natchez, while the militia of Cumberland are intimated to hold themselves ready to march at the first notice.

These hostile dispositions can naturally only concern these provinces, because the United States are in peace with all the Savages. The anterior menaces of the Commissary of limits and the Commandant of the detachment of Americans now at Natchez; the immediate rupture (and if the American gazettes are to be believed) already effected between France our intimate Ally and the United States; engage us to be on our guard to defend our property with that valour and energy which the

Inhabitants of these provinces have manifested on all occasions ; with the advantage and superiority which a knowledge of our local situation will procure and with that confidence which right and justice inspires. If the Congress of the United States had no hostile intention against these Provinces, they will either leave the Post of Natchez, or the Walnut Hills, the only Bulwarks of lower Louisiana to stop the course of the British, or if that they give us security against the article of the treaty with Great Britain which exposes lower Louisiana to be pillaged and destroyed down to the Capital, we will then deliver up the said posts, and lay down our arms which they have forced us to take up, by arming their Militia in time of peace, and sending a considerable body of troops by round-about ways to surprise us.

New-Orleans, 31st May, 1797.

(No. 2.)

Governor Goyasso de Lemos, to Andrew Ellicott, Esquire.

Natchez, June 13th, 1797.

S I R,

BY repeated informations and by every appearance it seems past a doubt that a number of the inhabitants of this government subjects of his Majesty are at present in a state of rebellion with the hostile design of attacking this fort.

I am informed that yesterday several of the said insurgents were riding through the country soliciting subscribers to a list that already contained the names of several persons who declared themselves citizens of the United States of America, though they are actually under oath of allegiance to His Majesty, and under whose dominion and protection they have lived and enjoyed the benefits thereof, and the bearers of this list declare themselves commissioned by you for that purpose.

I cannot prevail upon myself to believe that you have either authorized or encouraged such proceedings, as a conduct of that nature would unavoidably produce the most disagreeable and fatal misunderstanding between our nations, and the total destruction of this district.

Therefore I request you to give me such a positive answer as will enable me to inform the Commander General of this province for the intelligence of His Majesty, of the part you take in these transactions ; and should you take such an active part as it is represented you do, from this moment I protest

in the name of the said Commander General against such conduct, and make you answerable for the fatal consequences that may ensue. I repeat the request of a positive answer on this subject.

I have the honor to be with the greatest regard,
Sir, your most obedient humble servant,

MANUEL GAYOSO de LEMOS.

Hon. Andrew Ellicott.

(No. 3.)

Andrew Ellicott, Esquire, to Governor Gayoso de Lemos.

Natchez, June 13th, 1797.

S I R,

IN order to answer your letter of this day that (from the spirit of it) denies the existence of that principle which has been the object of a long train of discussion between us, I must refer to your letter dated the 12th of March last. In that letter you admit not only that Daniel Clarke's will be about the point of demarcation, but that the Commissioner of His Catholic Majesty would in all probability meet me at that place. As the treaty itself was a fact notorious, so likewise ought to be all the transactions attending it either in direct performance or open violation. The people therefore became acquainted with those circumstances that were the result either of my observations, or the acquiescence of the Spanish government—They were matters that involved their felicity, and could not from duty or decency be withheld. If on the present occasion, the people have thought proper to act in conformity to the intelligence received, which intelligence had the combined sanctions of the agents of both governments for its support—is my agency to be ascribed, or my conduct to be called to account with regard to the effects? A little enquiry into the human heart, would have enabled you, Sir, to have discovered a more powerful cause than any operation of mine on the present occasion. The people considered themselves citizens of the United States—they had a right to consider themselves so—and they have lately come forward individually to express their wishes and intentions.

After this short detail of what is the real cause of the present disturbance, I might flatter myself with a complete acquittal on your part, did not the first paragraph of your last letter compel me to form a different conclusion. On what principle do you still retain the idea, that the citizens of this country are

subjects of His Catholic Majesty? Is there not a compact deliberately entered into by the two nations to the contrary of your opinion? Have not you acknowledged me to be the agent of the United States to carry that compact into effect? And have you not repeatedly pledged your word to co-operate with me in that desirable object? Here I might with propriety ask what human assurances could have gone further than those that have been made on your part? Do all solemn obligations between nations depend upon chance, or caprice, or is there such a principle universally acknowledged among different nations as the law of nature and nations? If your Excellency admits that there is such a principle as national law, I assert that the inhabitants of this country cannot be considered as any wise subjects of the Spanish monarchy. If you deny the existence of the principle, I have only to observe that the people cannot with propriety be censured for recurring to that conduct, which will ultimately secure their felicity.

I have thus far proceeded by way of argument in answer to your communication, from the whole of which you will readily infer a very natural conclusion, that the delay on your part, in carrying the late treaty into effect, added to the inviolable nature of the human heart, have produced the evils of which you complain.

But since you demand a positive reply to the general question, whether I am concerned in measures destructive of His Catholic Majesty's interest, or in an attempt to attack the fort—I give you my honor that I am not: you have assisted me in confirming the sentiment that this territory belongs to the United States—and I do now therefore on the part of the said United States, as their agent, most solemnly and pointedly, protest against the landing of any troops, or the reparation of any fortifications in this territory above the 31st degree of north latitude, as I shall consider all such conduct as a violation of the treaty, and an immediate attack, upon the honor and dignity of my country.

I shall now finally observe, that from your verbal message by your Adjutant, Major Minor, I expected that your Excellency would have proposed some scheme of accommodation that would have been consistent with the justice, and sentiment, of the countries we have the honor to serve.

Should you have any proposals to make for an accommodation, I assure you that I feel every wish to enter into a discussion for that purpose.

I am, &c.

A. ELLICOTT.

(No. 4.)

STATEMENT of the principles on which I find myself disposed, according to my duty, to put in practice for the tranquility of the Country.

1st. That all the people in general now collected or are collecting in bodies, shall disperse and return to their farms and continue peaceably their domestic business.

2d. That by so doing it is warranted to them that they shall not be prosecuted for the present disturbance.

3d. That as an explanation, to banish some doubtful apprehensions that perhaps has given rise to the present disturbance, I assure the public there are no preparations against them; that the detachment of troops coming up the river is not intended for this place, and are to proceed to their destination; nor have I ordered any troops from Nogales to reinforce me.

4th. That no Indians have been called, that no roads have been or shall be stopped.

5th. That there is no war declared between His Catholic Majesty and the United States; on the contrary it is the intention of his Majesty to continue the best harmony between the two Nations, in consequence thereof I have not the least idea of acting in a hostile manner against any force or persons belonging to the United States, and whilst this good intelligence subsists between the two nations, no alteration shall be made on these principles; on the contrary, I shall employ my greatest exertions to make every resident of this Government as happy as possible, further I declare that they shall not be embodied as Militia, but against an invasion of this Country; and if Military bodies shall be wanted out of this District, they shall only be formed by volunteers.

MANUEL GAYOSO de LEMOS.

Natchez 14th June 1797.

(No. 5.)

Don Manuel Gayoso de Lemos, Brigadier in the Royal Armies, Governor Military and Political of Natchez and its dependencies, &c. &c. &c.

WHEREAS the confusion in which the Country is at present involved threatens the entire destruction of its Inhabitants; it is our duty to employ every means to save them from certain

ruin, which will be inevitable if they do not listen to the salutary advice which the voice of humanity dictates to our constant attention to the welfare of every individual of this Government lenity in its greatest extent accompanies the obedience that is required, and general forgiveness will be the fruit of a candid repentance, and the exact compliance with the following conditions.

From the day after the publication of the present Proclamation, all persons collected in bodies, or are collecting for any purpose not sanctioned by us, will immediately disperse, and every individual retire to the place of his residence, attend to his farm, or other occupation, in a peaceable manner, and consider himself in the same light as before the present disturbance, never to assemble again upon the same principles as the present, nor consider themselves as bound to do it, when called upon similar purposes, whilst under the Government and laws of his Majesty.

Any person who from attachment to the Government and Laws of his Majesty, and with a view to prevent the impending calamity, should have assembled in bodies are likewise to disperse.

No person shall ever be upbraided on account of his differing in opinion with any other, which, when not carried to excess is allowed to every man; when it is not injurious to the Government, and consequently to the community in general.

By so complying a general forgiveness is warranted to every person who has been concerned in the present disturbance, and no enquiry shall be made for their names.

It has been represented to us that the present commotion has partly arisen from the following apprehensions.

That a war might be actually declared between his Majesty and the United States of America.

That forces were accumulating here to treat with rigor those Inhabitants who have manifested a partiality for the Government of the United States, and that Indians had been called upon for their assistance.

That the roads and water communications were stopped; and that the Inhabitants were to be compelled to embody into Military Corps.

To banish these unfounded apprehensions and finally tranquillise the minds of the people, we do hereby assure them that no war exists between his Majesty and the United States; but on the contrary the most friendly intercourse is recommended to both Nations. No forces are accumulating here, and those for Nogales* are for the sole purpose of opposing an actual

enemy. No Indians have been called. No interruptions have or shall be put to land or water communications; and under the present situation of this Country, no corps of Militia shall be formed; but if any should be wanted, out of the District, volunteers only shall be called for, except in case of an invasion, either by water or by land within the extent of this Government; in which case natural defence and general safety admits of no exceptions.

The Alcaldes in each District, or persons commissioned for the purpose of promulging this Proclamation are hereby ordered to make it public with all possible expedition, that it may produce the desirable good effect.

Given under my hand and the seal of my arms, and countersigned by the Secretary of this Government.

MANUEL GAYOSO de LEMOS.

Natchez 14th June 1797.

J. VIDAL.

(No. 6.)

Don Manuel Gayoso de Lemos, Brigadier General in the Royal Armies, Governor Military and Political of Natchez and its dependencies, &c.

S I R,

THE following propositions being unanimously agreed to by us the underwritten (being a Committee appointed by a very numerous and respectable meeting of the Inhabitants of this District) and A. Ellicott, Citizen and Commissioner of the United States, and P. S. Pope, commanding the United States troops on the Mississippi, are submitted to your Excellency with a request that you may accede to and transmit a copy of the same to the Baron de Carondelet, and obtain his concurrence in order to restore tranquility to this District.

1st. The Inhabitants of the district of Natchez, who under the belief and persuasion that they were citizens of the United States, agreeably to the late Treaty, have assembled and embodied themselves, are not to be prosecuted or injured for their conduct on that account, but to stand exonerated and acquitted.

2d. The Inhabitants of the Government aforesaid above the 31st degree of North Latitude, are not to be embodied as Militia, or called upon to aid in any military operation except in case of an Indian invasion, or for the suppression of riots during

the present state of uncertainty, owing to the late treaty between the United States and His Catholic Majesty not being fully carried into effect.

3d. The laws of Spain in the above District shall be continued, and on all occasions be executed with mildness and moderation, nor shall any of the Inhabitants be transported as prisoners out of this Government on any pretext whatever, and notwithstanding the operation of the law aforesaid is hereby admitted, yet the Inhabitants shall be considered to be in an actual state of neutrality during the continuance of their uncertainty, as mentioned in the second proposition.

4th. The Committee aforesaid do engage to recommend it to our Constituents, and to the utmost of our power endeavour to preserve the peace and promote the due execution of justice.

We are your most Obedient and
Humble Servants,

A. HUTCHINS,
BERNARD LINTOT,
ISAAC GUILLARD,
CATO WEST,
WILLIAM RATLIFF,
GABRIEL BONOIST,
JOSEPH BERNARD.

Natchez, June 22d, 1797.

Don Manuel Gayoso de Lemos, Brigadier General in the Royal Armies of Spain, Governor Military and Political of Natchez and its dependencies, &c.

I DO hereby accede to the four foregoing propositions established and agreed upon for the purpose of re-establishing the peace and tranquility of this Country ; and that it may be constant and notorious I sign the present under the Seal of my Arms and countersigned by the Secretary of this Government.

*At Government House, Natchez,
22d June, 1797.*

MANUEL GAYOSO de LEMOS.

By His Excellency's command,

JH. VIDAL.

A true Copy from
the Original.

D. GILLESPIE, Sec'ry.

(No. 7.)

WE the underwritten do engage to co-operate with the Committee appointed by a numerous and respectable meeting of the Inhabitants of the District of Natchez, to preserve the peace and to obtain the due execution of justice, and do hereby approve of the propositions presented Governor Gayoso by the said Committee and acceded to by him.

A. ELLICOTT, { Citizen and Commissioner
of the United State.
P. S. POPE, { Commanding the United
States troops on the Mis-
sissippi.

June 22d, 1797.

(No. 8.)

Don Manuel Gayoso de Lemos, General in the Royal Armies, Governor Military and Political of Natchez and its dependencies, &c. &c. &c.

WHEREAS the threatening calamities to which the Inhabitants of this District have been lately exposed, did awake the zeal of every individual and rouse them to seek the most efficacious means of re-establishing good order, and that tranquility which for many days was lost; the good sense of a number of the Inhabitants dictated to them the necessity of a Convention, in which they chose persons of the most notorious probity and intelligence as a Committee to co-operate with us towards the re-establishing of the public peace and tranquility; and the members of the said Committee having met at Natchez, after due deliberations and consultations, stated and presented us the following propositions, in the terms and form here expressed, to wit. [Then follow the propositions No. 6.]

Being always desirous of promoting the public good, we do join in the same sentiment with the Committee, by acceding to their propositions in a manner following [see the propositions No. 6.]

(Signed) MANUEL GAYOSO de LEMOS.

JOSEPH VIDAL, Secretary.

Natchez, June 22d, 1797.

E

(No. 9.)

S I R,

THE many proofs that the Committee has of your desire to contribute to the welfare of this Country, encourage it to request of you the service mentioned in our first resolve of yesterday, of which it incloses you a copy.

I have the honor to be, Sir,

Your most humble and obedient Servant,

JOSEPH BERNARD,

Chairman.

Committee Room, Sept. 14th, 1797.

The Honorable Andrew Ellicott, Esquire,
Commissioner of the United States for
running the boundary line, &c. }

Resolved, 1. That the 5th resolve of the 29th ult. be rescinded, and that Mr. Ellicott whose inclination for the interest and happiness of this country we have a convincing proof of in his former communications to the general Government, published since and now in our hands, and who, from his residence for several months amongst us is well acquainted with the circumstances of this Country, be requested to represent our present situation to his Excellency the President of the United States, and likewise all the measures which he shall deem to be conducive to the future welfare of this Country in the event of the late treaty between His Catholic Majesty and the United States being carried fully into effect.

True Copy.

G. BENOIST, Secretary.

(No. 10.)

Don Stephen Minor, Captain in the Royal Armies, Aid, Major and Governor, pro tem. of the Natchez and its dependencies, &c.

I DO certify that Colonel Peter Bryan Bruin, Daniel Clark, Joseph Barnard, Frederick Kimball, Gabriel Benoist, Isaac Gaillard, Philander Smith, Roger Dixon and William Ratliff, Esquires, members of the Permanent Committee, duly elected by the people at large, under the sanction of Government, are the true and sole representatives of the Inhabitants of this Go-

vernment, and that faith is due to their proceedings as such, as also to the representations they may make in behalf of the public in all cases.

In Testimony whereof I have hereunto set my hand and affixed my seal, at Government House, (L. S.) Natchez, this sixteenth day of September, one thousand seven hundred and ninety seven.

STEPHEN MINOR.

I do certify that the above is a true copy of a Certificate obtained from Governor Minor, by the Committee, and lodged among their files.

D. GILLESPIE,

Secretary to the American Commis- }
sioner and permanent Committee. }

(No. 11.)

Stephen Minor, Esquire, Captain in the Royal Armies, and Governor of the Natchez for the time being.

IT being the undeniable and unalienable right of Freemen, to assemble in an orderly and peaceable manner for the purpose of consulting and deliberating on their mutual interest, no opposition shall be made by the officers of his Catholic Majesty to any assembly, whether partial or general, of the inhabitants residing in this district, if conducted upon the principles of good order and decorum.

I do therefore hereby grant permission for the assemblies or meetings required in this address, to take place on the day appointed and in manner recommended.

STEPHEN MINOR.

August 16, 1797.

(No. 12.)

The Chevalier de Yrujo, Minister Plenipotentiary of his Catholic Majesty, &c. &c. to Timothy Pickering, Esquire, Secretary of State.

S I R,

YOUR additional report to the President of the United States of the proceedings of the Officers of the King of Spain, in relation to the post and the running of the boundary line, which I find published in all the newspapers, obliges me to

trouble you with this letter. If your discussion of facts had been as correct and impartial as there was reason to expect, I should not have been under the necessity of undertaking this task; but the construction which you are pleased to put upon every act of the Spanish Officers in general, and especially upon those in which I am personally concerned, compels me to observe upon several expressions, which I have noticed in your said Report.

You begin, Sir, with saying, “that altho’ I had declared I had just reasons for suspecting an expedition from Canada was preparing by the British against the upper parts of Louisiana, yet I never had mentioned a single fact or reason on which my suspicion was founded.”—In my letter of the 2d of March, I pointed out to you the probable route which the expedition would take, and in our conference of the 27th of February, I gave you information that a corps of 350 men had been raised at Montreal, and marched towards the Lakes, where, after the evacuation of the American forts, there was no ostensible object for them. I also told you that I knew that the British Agents had treated with some of the Indian Nations in that country, concerning the intended expedition, and I added, that I had received those advices from a person who might be depended on, who had seen those new levies passing thro’ Johnstown, on their way to the westward. But, even supposing that I had not entered into any particulars, even supposing that my information at that period was not complete, yet did not the interest and dignity of this Government—did not its friendly connection with Spain, require that it should have taken every proper means to prevent the attempt we were threatened with, by giving suitable orders to General Wilkinson, or to the Commanding Officers of the Military Force on those frontiers? The absolute silence in this particular of the documents which accompany the Report of the Secretary of War, your never having communicated to me any *determinate* disposition on this point, as you do in your answer to my letter, which in the publication is marked No. 7. afford me sufficient grounds to fear that these precautions were omitted. You add, Sir, with a degree of candour difficult to be conceived, that from my not having given to you detailed information respecting the expedition, and from the answer which you received on the 19th ultimo, from the *British Minister*, you believed my suspicions to be groundless. Is it possible, that any one will candidly imagine, that if the English intended to violate the territory of the United States, in order to effect a *coup de main*, they would be as ingenious in answering, as you were in asking their Minister the question?

I shall not enter into all the observations which suggest

themselves to my mind from your having communicated to Mr. Liston the contents of my letters. I expected that the American Government would have watched his motions, and taken the means which I have already mentioned to prevent the success of a similar enterprize; but I never could have imagined that you would have given to the British Minister a piece of advice, which might enable him to alter his plan, by letting him know that the former one was discovered. By the line of conduct which you have pursued in this business, I am convinced, that had I communicated to you more particular details respecting this transaction, you would, with the same good-natured frankness, have given information of them to Mr. Liston.

But, if you did believe that asking this question of the British Envoy was the most efficacious means to prevent the violation of the neutrality of the United States, and the invasion of the Spanish territory, let me ask why you was so remiss in this measure, that although I had communicated this project to you verbally, on the 27th of February, and on the 2d of March, in writing, yet, in a matter obviously so urgent, you only wrote to the British Envoy on the 28th of April, that is, *two months* afterwards?

I shall not quit this subject, without taking the liberty of making to you one observation which is intimately connected with it. By the date of the letter I have just mentioned, it evidently appears that I gave you advice of this intended expedition *on the second of March*, and that *three days before*, I had given you the same information verbally. I imagined from your known attention to business, and the importance of the subject, that you would have submitted it immediately to the consideration of the President of the United States. On the 9th of March, I had the honor of speaking to Mr. Adams, at his lodgings at Francis's Hotel, and mentioned this subject as a matter that I supposed him already fully informed of; and, it was with no small surprize I heard him say, that *he knew nothing about it*. I produced the map, which I had in my pocket-book, and he listened with great attention to all that I had to say to him. It was no doubt to this conference with Mr. Adams, that I was indebted to your answer of the 11th of the same month. I shall entirely abstain from putting any construction upon the reasons which induced you to omit making this communication to the President; but they must have been very *powerful* motives which could oblige you to remain so long silent on a matter of such importance.

You say, in the third paragraph of your Report, that on your asking me what measures Spain had taken in order to carry into

execution that part of the Treaty which relates to the withdrawing the *garrisons*, I answered you on the 17th of April, that I had been for some months without receiving letters from the Baron, and consequently “was entirely ignorant of the steps which had been taken for the execution of the Treaty.”—From this expression, which, in order to draw attention, you place between inverted commas, you insinuate an inference which in my opinion is very far from being true, when you add, immediately afterwards: “*Nevertheless, he had previously informed the Baron of his suspicions of a projected expedition.*”—What is this to prove, Sir? That the Baron indeed had received my letters, but not that I had received his. The irregularity and uncertainty of navigation easily shows that your logic on this point is extremely false.

In the fifth paragraph, after giving an account of my letter of the 24th ultimo, and of its object, you observe that I have omitted to mention, among the other complaints of the Baron that of Mr. Ellicott's not having given him notice of his arrival at Natchez.—Permit me, Sir, to represent to you, that you have entirely mistaken what I had the honor of telling you on that occasion,—for I simply mentioned, not as a *complaint*, but as a mere *observation*, that the Baron, *in the rigour*, might not have considered Mr. Ellicott as an American Commissioner, for not having given him on his arrival *official notice* of his appointment, having merely informed him of it in the way of a confidential communication. You cannot be ignorant, Sir, that there are certain requisite formalities when Nations treat with one another of their mutual concerns, which are not required between individuals. The Baron, when he speaks in this manner, clearly points out his meaning, that, besides the confidential letter, the communication of which *you consider as so important*, no doubt he expected another *official* one, including his Commission, Authority, or some other document, to ascertain the identity of the person, and the object of his mission. When, on my arrival in this country, I had not yet presented my credentials to the President, although I had delivered to you a copy of them, you might, in the rigour, not have recognized me as the Envoy Extraordinary of the King my Master, for want of having complied with that necessary requisite of the established etiquette. I do not mean to say that in the present case it was absolutely necessary to go through a similar formality; nor did the Baron mention this but as a mere *matter of observation*, which was not to affect the object in question, although you, thinking that it affords you a victorious argument, are pleased to give to this circumstance an importance which it does not deserve. Besides, Sir, I might ob-

serve to you, that when, after a mixed and desultory conversation upon various subjects, I had collected and methodized my ideas, and committed them to writing, your answer and observations ought to have been confined to the written communication, clothed with all the necessary formalities; but neither do I wish to make of this an object of discussion.

The proof which you give in the sixth paragraph of your Report, to shew that it is not certain that Mr. Ellicott intended to get possession of Natchez by surprise, and that for that purpose he had endeavoured to gain over the inhabitants, is merely negative. From your examination of the two persons you mention, you had very little to expect: the circumstance alone of their being the bearers of Mr. Ellicott's dispatches, points out that they were both in his confidence; and it may be presumed without temerity, that being his friends, or employed under his orders, they would hardly make a denunciation that might be prejudicial to him. Governor Gayoso declares that he has proofs of the fact in his power. I shall not fail to apply to him for them, and perhaps I may one day speak to you more positively on this business.

After having discussed the history of these transactions with all the force and accuracy which result from these observations, you assure with a very ill-grounded confidence, that upon a view of the whole it appears that His Majesty's Governors on the Mississippi, have, on various pretences, postponed the running of the boundary line and the evacuation of the posts. But I appeal to that candour which you have so generously shewn to the British Minister, that you may tell me, whether it can be called a *pretence*, that the Baron de Carondelet, who was entrusted with the safety of Louisiana, refused to carry into execution a pretention *that was not stipulated for by the treaty?* By the second article it is only agreed that the *garrisons* shall be withdrawn; and as I had the honor of representing to you in my letter of the 24th ultimo, it is not to be presumed that it could ever have been the intention of his Catholic Majesty to deliver up fortifications, which, besides that they have cost him considerable sums of money, may by the effect of political vicissitudes, be one day prejudicial to his subjects. If not to do *what was not stipulated for*, and the execution of which would be contrary to the interests of Spain, is a *pretence*, we must confess that it is a very plausible one.

With respect to the line of demarcation, it appears by the correspondence and letters of the Baron de Carondelet, which are in my possession, that although he entertained the same doubts which were suggested by Governor Gayoso respecting the posts, yet he was consenting, that the astronomical obser-

vations should be begun upon, for which purpose the-Engineer Mr. de Guillemand had already arrived at the Natchez, with all the instruments and apparatus. Such was the situation of things when my communications respecting the intended expedition got to hand; from that moment imperious necessity, and the great principle of self-defence, made His Catholic Majesty's Officers turn their thoughts to objects of a more urgent nature. Mr. Blount's letter, and the late detected conspiracy, evince how far their conduct in this respect was necessary; and you, Sir, possess as you were, of all the facts, when you laid the facts before the President, ought to have been one of the last to have stigmatized the motives with the epithet of *pretexts*. So palpable an attempt to make groundless and unfair impressions on the public mind, is well calculated to defeat its own ends, and appear still more extraordinary when we consider that the American Government is in every way anxious, by its own confession, to maintain peace and harmony with Spain.

Nor do your ill-founded insinuations stop here: sentiments and expressions still more violent, flow from that same hasty pen. You say in another part, *that there is but too much reason to believe Mr. Ellicott's suspicions well-founded, that an undue influence has been exercised over the Indians by the Officers of his Catholic Majesty, to prepare them for a rupture with the United States*. Fortunately, Sir, you have told us the source whence you derived all those dreadful conjectures of your's; otherwise, perhaps, the weight and authority which your high official character stamps upon whatever you write or say, might make an undue impression on the public. You acknowledge, Sir, 'twas a private letter of Mr. Sargent's (Secretary of the North-western Territory) that gave rise to your surmises: we shall now see what the letter says.

[No. 14.]

Extract of a letter from Winthrop Sargent, Esquire, Secretary of the North-western Territory, to the Secretary of State, dated Cincinnati, June 3d, 1797.

GENERAL WILKINSON sending off an express, I seize the occasion to transcribe for you some paragraphs from a western letter.

“ The Spaniards are reinforcing their upper posts on the Mississippi considerably. General Howard, an Irishman, in quality of Commander in Chief, with upwards of three hundred men, is arrived at St. Louis, and employed in erecting very formidable works. It likewise appears through various

channels, that they are inviting a great number of Indians of the territory to cross the Mississippi; and for this express purpose, Mr. Lorrómie, an officer in the pay of the Crown, made a tour through all this country last fall, since which time several Indians have been sent on the same errand, and generally furnished with plenty of cash to defray their expences.

“A large party of Delawares passed down on White River about the 6th of May, on their way to the Spanish side, bearing the national flag of Spain, some of them from Saint Louis.

“They (the Spaniards) have above the mouth of the Ohio, on the Mississippi, several row-gallies with cannon.”

Now, Sir, what inference can be drawn from that letter? Why, that the Spaniards have fortified San Luis, and availed themselves of every means of defence that the country afforded! But let me ask you, Sir, against whom it is that they were thus preparing to defend themselves? Surely the documents which you have laid before the President, and the momentous business which now engages the attention of Congress, and agitates the public at large, afford a complete and satisfactory answer.

I mention to you, in my letter of 2d March, that the object of the British was to attack Upper Louisiana, and take San Luis and New Madrid by surprize. It will not be questioned but that prudence required of us, at that juncture, to fortify the threatened points. This, Sir, was all we did; and this, Sir, you knew many months past; yet Mr. Sargent's letter, which in substance says no more, fills you all at once with fears and self-created apprehensions, and makes you declare in the face of the American people, “that the Spanish Officers are exciting the Indians to a rupture with us.” No one will say, that preparations for our self-defence were not necessary on our part. The assurance given you by the British Minister, with all the appearance of a confidential communication, *but without any signature*, did not inspire the servants of his Catholic Majesty with the same blind confidence which it produced in you. We know from daily experience how religiously the British nation observes the rights of neutrality. Witness the American sailors! Witness the Republic of Genoa, in whose port they attacked and made prize of the French frigate *La Modeste*, as she lay at anchor there. Witness the inhabitants of Trinidad, when the British, though then in amity with them, entered their capital, with drums beating and colours flying, in pursuit of a few French, who had taken refuge there. These and other instances of the sort, too numerous to be recapitulated, make us less credulous on the score of Great-Britain's respect for the rights of neutrality than you appear to have been.

As to those tender considerations which actuated the British Minister to reject the plan on account of the inhumanity of calling in the aid of the Indians, I did expect that such vague, unauthenticated declarations, would have been appreciated as they deserved by you, Sir, who fought in the glorious cause of American Independence, who witnessed the humanity of their conduct in the course of that war, and who cannot be ignorant of what has happened since.

Your ascribing hostile views to the preparations for our self-defence, cannot, Sir, have been matter of much surprize to me, after having heard a certain Member of Congress, who is known to be the organ of the will of administration, declare in that House that he ascribed to the same motives the preparations we were making for the defence of Florida, though probably he was not ignorant, at the very time, of their real object. Thus then, Sir, according to your mode of reasoning, and that of the Gentleman I have just alluded to, though we were certain of being attacked, and though we were not certain that the American Government had taken the proper measures for protecting its neutrality, yet we were to adopt no measures for our defence, but tamely suffer his Majesty's forts and possessions to be taken, and all this for fear of creating ill-founded suspicions in your minds!

If you have not been very successful, Sir, in the solidity of your reasonings, you appear not to be more so in the method of following them. After having denounced us to the whole American nation as stirring up the Indians against the United States, and *preparing them for a rupture*, you fall into the most glaring inconsistency in the following paragraph:—*Whether this plan of exciting the Indians to direct hostilities against the United States, has been contemplated and promoted by any of our own Citizens, it may be difficult to say; but that one or more of those Citizens have proposed and taken measures to detach the Southern Indians from the interests of the United States, and to destroy the influence of the public Agents over those nations, and thus to defeat the great objects of their appointment, the chief of which is to preserve peace, is certain.*

I again appeal here, Sir, to your generous candor. How is it possible to reconcile such evident contradictions? On the one hand the Spanish Officers are those who excite the Southern Indians against the United States, and on the other you quickly follow presuming, with sufficient foundation in my opinion, that it may be some Citizens of the United States. But although you might entertain any doubts yourself on the subject, which I am sure no person in America will after reading Mr. Blount's letter, did not this very same doubtful case and uncertainty, require in your situation more circumspect language?

And if even in this case you appear to have gone beyond what sound policy, the tranquility and interest of the United States required, how much more unjust are your insinuations against Spain, when the public possess, in Mr. Blount's letter, a document by which they can see, that if the manoeuvres with the Indians were not favourable to the United States, they were precisely combined to attack the Spaniards? From this method of reasoning of yours, it appears as if the Spaniards were, jointly with Mr. Blount, stirring up the Indians to attack themselves.

Respecting the last article of your Report, I have only to observe, that although you have constantly assured me that Government had not the least information respecting the subject of my representations, and although the letter of Mr. Jackson, of Georgia, appears to coincide with your ideas, nevertheless time has shewn that I have complied with my duty by not relying on such assurances. The plot is discovered, and nobody any longer doubts that the expedition was to have taken place.

After having followed you step by step through the various points of your Report to the President, I shall make a short compendium of such as arise from this letter; from which it results,

1. That on the 27th of February, I gave you sufficient particulars respecting the intended expedition, to have attracted the attention of this Government.

2. That although to this verbal communication, I added another in writing on the 2d of March, the President had not the least knowledge of it on the 9th of the same month, and that without doubt you must have had very powerful motives to prevent you from communicating it to him.

3. That it does not appear by the documents presented by the Secretary of War, that Government had given orders to the military Commanders to cause the territory and neutrality of the United States to be respected.

4. That you made to the English Minister, a communication, which in my opinion you ought not, and that even if you thought it necessary you delayed doing it for two months, that is, from the 27th of February to the 28th of April, although it respected a most urgent and important object.

5. That the Baron de Carondelet could very well have received my letter, without its necessarily following that his had come to hand.

6. That the Baron did not represent Mr. Ellicott's not writing to him officially as a *complaint*, but as an *observation*, and that in fact he never has done it in those terms.

7. That the proofs you allege to exculpate Mr. Ellicott, respecting his intentions of taking the Fort of Natchez by surprise, are purely negative.

8. That it is not merely *pretences*, but very powerful reasons, which have impeded the evacuation of the Posts, and the running of the Boundary Line.

9. That the insinuations with which you are willing to persuade the American People that our arming is directed against them, are unjust as well as unfounded, as by Mr. Blount's letter it is clearly demonstrated to be a precaution for the mere purpose of defence.

10. That you evidently contradict yourself, when on one hand you are pleased to attribute to us the movements of the Indians, and in the very next paragraph you shew it might proceed from American citizens, as it actually does according to Mr. Blount's letter; and that he acted with the knowledge and intelligence of the very same British Minister, in whose Private Notes, *without signature, and perhaps not of his own hand writing*, you place such implicit confidence.

11. That although in all your official communications, you have always manifested to me that the American Government knew of nothing which indicated any foundation for my suspicions, Mr. Blount's letter clearly proves that I was perfectly in the right.

I have thus fulfilled a very disagreeable duty. Always desirous to contribute to strengthen the bands of friendship which unite Spain and America, and to which their situation, their wants and resources, invite them, I have seen with the most profound grief, that the language and tenor of your communication to the President, is not, in my opinion, calculated to promote so desirable an object to us all. For my part, although I shall leave nothing undone, to cement the union and harmony with a Nation which I respect; neither shall I ever suffer the interests of the King, my Master, in any case whatever, to be sacrificed to an unjust partiality.

I pray God to preserve you many years.

Your most obedient humble servant,

CARLOS MARTINEZ DE YRUJO.

Philadelphia, July 11, 1797.

(No. 13.)

Mr. Pickering, Secretary of State, to the Chevalier de Yrujo, Envoy Extraordinary and Minister Plenipotentiary of His Catholic Majesty, to the United States of America.

DEPARTMENT OF STATE,

Philadelphia, August 8th, 1797.

S I R,

I DULY received your letter of the 11th of the last month, to which my other engagements have till this time prevented an answer.

My additional Report to the President of the United States, on the 3d of July, in relation to Spanish affairs has offended you, and is mentioned as the cause of your writing to me on the 11th. If, Sir, I were now to make the just remarks and recriminations which your letter obviously suggests, I am afraid you would be still more offended. I am not sure, indeed, that I can possibly frame an answer that will escape your displeasure: but I shall endeavour that it be expressed not in a style indecorous, unusual, and unbecoming a diplomatic correspondence, while it contains a fair exposition of facts and arguments, in opposition to errors and actual misrepresentations.

In respect to your suspicions of an expedition preparing on the lakes by the British, for an attack upon upper Louisiana, I have said that you never mentioned a single fact or reason on which your suspicions were founded. In contradiction to this assertion, you say that "In our conference, on the 27th of February, you gave me information that a corps of 350 men had been raised at Montreal and marched towards the lakes, where, after the evacuation of the American posts, there was no ostensible object for them:"—"That you *knew* that the British agents had treated with some of the Indian nations in that country, concerning the intended expedition; and that you added, that you had received those advices from a person who might be depended on, who had seen these new levies passing through Johnstown, on their way to the westward." To this, Sir, I answer, That I have not the slightest recollection that you mentioned either of these circumstances;—that the Secretary of War happened to come into my office while we were conversing,—at which you expressed your satisfaction, and repeated your suspicions,—and he says you then mentioned no fact or reason as the ground thereof; and that when I mentioned the subject to the President, certainly within ten or twelve days after this conference, I perfectly remember

making to him this remark—That in your letter of March 2d, you said you had three days before declared to me the *just reasons* you had for suspecting that the English were preparing the expedition in question; whereas you had offered me no reason at all. Hence I am obliged to conclude that you might have held such a conversation with some other person, and by mistake have applied it to me. The English raising 350 men—marching them through Johnstown—and tampering with the Indians to promote the expedition—were circumstances which appeared perfectly new to me when I received your letter of the 11th instant. I remember also, that the conference ended by your saying *you would write to me on the subject*; which evidently implied that your written representation was to be the basis of any act of mine, or of the government. In that letter, Sir, if you possessed any grounds for your suspicions, you ought to have stated them. For, contrary to the opinion you have now expressed, I have no hesitation in saying that the government of the United States was not bound to take notice of the vague and unsupported suspicions of any minister; at least not to incur expense, by its military arrangements, to prevent an imaginary expedition, such as was the object of yours. When you made a formal statement of your suspicions, but without any fact to shew that they were founded; when the government of the United States possessed no other information nor the knowledge of any circumstances indicative of the expedition; and when in itself it appeared destitute of even the shadow of probability; it was an act of complaisance to assure you that it “would be anxious to maintain the rights of their neutral situation, and on all occasions adopt and pursue those measures which should appear proper and expedient for that end.” What these measures should be, and when to be taken, the government itself would judge.

It was an act of still greater complaisance, when on the 21st of April you renewed the declaration of your suspicions, *but still without assigning any reasons*, for the government to resolve on, and to communicate to you, what you are pleased to allow to be a “determinate disposition on this point.”

In the next sentence (as in many others) you misrepresent my expressions and misunderstand my meaning. I do not say, that “from your not having given me detailed information respecting the expedition, and from the answer which I received from the British minister on the 19th of June, I believed the expedition to be groundless:” But after remarking that you never mentioned a single fact or reason to support your suspicions—I say, “From *all the existing circumstances* I ever believed the suspicion to be groundless.” If proofs had existed, you

would have produced them : For although *intrigues* and *conspiracies* for the purpose of a military expedition may long be concealed ; yet the *preparations* for an expedition (and such you suggested were making) must be visible to many ; especially “ on the lakes,” where every movement for such a design would be unusual, and therefore attract the more attention ; and satisfactory proofs of such preparations would have been attainable : but you produced none.

Another material circumstance I must notice—That troops of the United States were stationed at Niagara, on the Miami, at Detroit, and Michilimackinack ; and consequently in situations well calculated to protect our territory, as well as to discover or get information of, any warlike preparations so considerable as such an expedition would require ; and the officers commanding on those stations could not have failed to communicate such discoveries or information to the Department of War : Yet no such communications were made.

But it was also well known that they had not on the lakes a force adequate to the interprize in question. I considered also the great difficulties that would attend the transportation of troops, equipage, provisions, cannon, and stores, by either of the routes suggested—if either could have been taken without violating the territory of the United States.

These were circumstances abundantly sufficient to discredit *naked suspicions* ; and the declaration of Mr. Liston, in his note of the 19th of June, was mentioned only as confirming the justness of the opinion which I had at first formed in March, and which I continued to entertain of your suspicions. I might add, that at that early period, Mr. Liston assured me that he had no knowledge of such an expedition ; and his inquiries of the Governor-general of Canada and the British Secretary of State, have enabled him positively to assert, in the above note, that no such expedition was ever intended. And this fact repels your suggestions that I had been “ remiss” in not doing for two months, what, on my own principles, was proper to have been done. But you think I ought not to have communicated your suspicions of this expedition to the British minister, although “ his motions were to be watched.” You think, on the contrary, that the President should “ have given suitable orders to General Wilkinson, or to the commanding officer of the military force on those frontiers ;” but have kept a perfect silence towards the British—have let them complete their preparations (if any had been making) and collect their army on the lakes—have let them move forward, until they should enter upon the territory of the United States : and seeing the President could not know beforehand, whether they would profe-

cute their march by “*Fox River and Ouiskonsin, or the Illinois,*” we may suppose your ideas of the “suitable orders” to the military to be—that at a great expense the troops of the United States should be drawn into that country and divided into corps, to be posted on those rivers, to have fought the British army and thus have defeated the enterprize. Sir, this is not the only instance in which, after having desired the American government to do some act interesting to your own, you have then presumed to dictate how it should be done.

“But (you say) you never could have imagined, that I would have given to the British minister a piece of advice, which might enable him to alter his plan, by letting him know that the former one was discovered.” And what, Sir, was the plan of the British to defeat which you desired the American government to interfere? Why, according to your suspicions, it was to *march an army through the territory of the United States against Upper Louisiana*. If then the communication of your suspicions to Mr. Liston would induce him to “alter his plan”—it would by a *word* or a *letter*, instead of an *army*, defeat the expedition; for it was not possible it should go forward *except through the territory of the United States*; and consequently the communication, instead of disappointing, would have perfectly accomplished what you requested.

In your 5th paragraph, you are pleased to mention what you consider as another omission of duty, That although on the 2d of March you *wrote* your suspicions, and *three days before* you mentioned them verbally, yet on the 9th, I had not laid the matter before the President. I will take the trouble to show with how little reason you have made this remark. The second of March was the day next preceding the dissolution of Congress; and at the close of a session the President is overwhelmed with business that cannot be postponed. On the third the then President’s term of office expired. On the 4th the inauguration of the succeeding President was celebrated. The 5th of March was Sunday. The five following days were not unoccupied; and on the eleventh of March the answer to your letter of the 2d was given. And although you attach much importance to your suspicions, the details I have given prove that they were then destitute of probability,—that they were in fact unfounded; and consequently of no importance; that as such I then justly considered them; and therefore needed no “very powerful” motives to remain silent *five days*.

I cannot but regret that my reasoning is so often not understood. When reciting my inquiry whether the posts occupied by the troops of Spain within the territory of the United States, had been evacuated; and your answer, that not having for some

months heard from the Baron de Carondelet, you “were deprived of any information touching the steps taken for the execution of the treaty.”—I put these last words between inverted commas, not as you say, “in order to draw attention”—but because they were an exact quotation from the translation of your letter. And when I added, in my report, “nevertheless he (the minister of his Catholic Majesty) had previously informed the Baron de Carondelet of his suspicions of a projected expedition from Canada;” it was not to prove either that the Baron had received your letters, or that you had received his: but as that very information was assigned by the Baron as a reason for still retaining and reinforcing the posts, the obvious conclusion was that you wrote and transmitted to him the information with that view: and hence, that instead of disclaiming all knowledge on the subject, candour should have induced you to answer me, That although you had not received any late letters from the Baron, and therefore you could not say what steps had actually been taken for the evacuation of the posts, yet that on account of the suspected expedition from the Lakes, of which you had informed the Baron, you presumed (or you advised, and probably you did advise) that he would still hold possession of them “to cover Louisiana.” This “logic,” Sir, I hope is intelligible; and at any rate, not “extremely false.”

I cannot omit noticing your observations on the 5th paragraph of my report. If, as you were obliging enough to promise, you had favoured me with *copies* of the Baron de Carondelet's two letters (of which you undertook to give me an oral but literal translation) instead of their “substance,” I might have been more correct in reciting his assertion—That Mr. Ellicott had not given him notice of his arrival at the Natchez as the Commissioner of the United States for running the boundary line. Whether this was a *complaint*, or an “*observation*,” as you choose to call it, every reader of your letter will see to be of no consequence. But whether the assertion was *founded* or *unfounded*, was material; seeing, in the same letter, Mr. Ellicott is charged with having “carried his zeal so far as to attempt to get possession of the fort of the Natchez by surprise;” and an assertion follows, that “Governor Gayoso says he has in his power documents which prove evidently the intention of this attempt.” This accusation against Mr. Ellicott I considered as injurious, not to him only but to the government; for which in the character of commissioner he was appointed to act. If other circumstances induced me to doubt its correctness, the other complaint or “*observation*,” which I knew to be unfounded, could not but increase my doubts. It was im-

portant, therefore, and my duty, to present them together to the President's notice. I have not "entirely mistaken" this matter. In my report to the President, I did not undertake to recite what you "mentioned," but what you *translated* from the Baron de Carondelet's letters: you *repeated* the charge in question; and it was not till then that I handed you the copies of the Baron's and Mr. Ellicott's correspondence shewing the repugnance of fact to assertion; and it was then that you blushed; as I had before been astonished. And your remark, afterwards, was what I have stated in my report, "That you supposed the Baron did not consider Mr. Ellicott's letter as official." You then made no distinction between a *complaint* and an "*observation*," nor used the phrase "in the rigour," nor any other qualifying words; except those which are stated in my report.

Besides, the Baron had no right to expect any other evidence of Mr. Ellicott's appointment than his letter, until they should meet for the purpose of commencing the business of their appointments; when of course they would mutually exhibit their commissions. And from the Baron's answer of the 1st of March, it is plain that he expected no other notice: for he therein recognizes Mr. Ellicott as the commissioner of the United States.

In the last sentence of your paragraph on this subject you say, "That when after a mixed and desultory conversation upon various subjects, you had collected and methodized your ideas, and committed them to writing, my answer and observations ought to have been confined to the written communication." This observation, Sir, is inaccurate.

It may, however, be applied to a former part of your letter. You say that in our conference on the 27th of February, you mentioned to me the raising of 350 men at Montreal—that your informer saw them pass through Johnstown—and that you knew the British agents had treated with some of the Indian nations concerning an expedition preparing on the lakes. But in your letter of the 2d of March, in which you were "to collect and methodize your ideas" on the subject of your suspicions, you do not introduce one of those suspicions: of course, on your own principles, I ought, if they ever had been mentioned, to have considered them as nullities.

In the 8th paragraph of your letter, you observe that my proof obtained from Mr. Ellicott's messengers, that he did not attempt to get possession of the Natchez fort by surprise, is merely negative. I offered it only as such. But the negative testimony of two men of good characters against a fact which they were likely to be acquainted with, if it existed, and whose existence other circumstances rendered improbable, and

the assertion of which is mingled with assertions, by the same person, of other facts, of which some, or even one, is known to be unfounded, merits consideration. There is, however, further evidence applicable to this case. In the letter dated at the Natchez the 5th of May, from Lieutenant Pope to Governor Gayoso, you will see that the governor had made the like accusation against the lieutenant. "A gentleman had informed him (the governor) that the lieutenant intended to attack the garrison at that place." Lieutenant Pope, justly hurt by the groundless assertion, desires the informer may be named, and required to acquit himself of his assertion, or be punished as a false accuser. The governor answers the next day,—speaks of the information as communicated to Lieutenant Pope in *familiar conversation*; and adds, that the informer was to be *despised*. Yet from the pointed manner in which Lieutenant Pope made the demand, it is evident that the information was presented to him as a serious accusation. After this detail, will it not be conjectured, that the governor's "documents" respecting Mr. Ellicott's "attempt" are of a piece with his "familiar conversation" with Lieutenant Pope concerning his "intended attack?"

In the 9th paragraph of your letter, you say that "after having discussed the history of these transactions, with all the force and accuracy which result from these observations, I assure, with a very ill-grounded confidence, that upon a view of the whole it appears, that his majesty's governors on the Mississippi have on various *pretences*, postponed the running of the boundary line and the evacuation of the posts." I must here also complain of misrepresentation. I did not in my report draw my conclusions from the history of *these* transactions—that is, of the transactions which you have *previously* mentioned in your letter, and which I have already noticed in this answer: but "Upon a view of the whole correspondence then and before submitted to the President." This correspondence I will now examine, to see whether the causes assigned by the Spanish governors, for postponing the running of the boundary line and evacuating the posts, merit the name of *reasons*, or of *pretences*.

Governor Gayoso being informed of Mr. Ellicott's descending the Mississippi, wrote to him on the 17th of February, desiring him to leave his escort at *Bayon Pierre*, 60 miles above the Natchez. Yet the treaty prescribed a military escort on each side to attend the commissioners in running the boundary line; and the *Natchez* as the place of their first meeting. The chief reason offered for this request was, that if the troops of the two nations were *brought together* "misunderstandings"

might arise between them. Yet the treaty required their *coming together* to attend the commissioners when they were jointly running the boundary line.—And the only reason the governor assigned for not evacuating the posts, was “The want of vessels,” but which he expected would soon arrive.

On the 25th of February, governor Gayoso and Mr. Ellicott fixed on the 19th of March to proceed down the river to Clarkeville, near which it was supposed the boundary line would commence.

On the 9th of March, governor Gayoso informed Mr. Ellicott that the Baron de Carondelet could not attend the running of the line, in person, and that the whole business had devolved on him, the governor; but he feared he should not be ready by the 19th. And then he endeavoured to draw Mr. Ellicott from his proper station at the Natchez, by proposing a visit to the Baron at New-Orleans.

March 12th, the governor again endeavoured to draw Mr. Ellicott from the Natchez, and recommended Loftus' Cliffs near Clarkeville as the point of re-uniting: and by way of inducement, said the Geometer and other officers to be employed on the boundary line would stop at Clarkeville.

On the 15th of March, the principal part of the artillery was taken out of the fort, and every appearance made of a speedy evacuation: but on the 22d they were carried back to the fort, and immediately remounted. A similar movement took place at the latter end of April, after the arrival of lieutenant Pope and his troops at the Natchez. “The evacuation (says he) appeared to be going on with great life; when all at once the military stores were ordered back, their troops busily engaged all night taking back and remounting the cannon.” Here he very naturally expresses his surprise—“This kind of conduct (says he) appeared and still appears strange.”

March 23d, the governor mentions that orders had been given by the general in chief of the province to demolish the post at the Walnut Hills—*because their treaty with the Indians required it*: but as he (Gayoso) had since been informed of their unfetted dispositions, he had sent counter-orders, to prevent the fortifications being injured; suggesting at the same time that the moving of the stores, &c. was suspended only until the arrival of the American troops to take possession of the post.

In this letter the governor informs Mr. Ellicott that lieutenant colonel Guillemard was far on his way up; and, on his arrival, the running of the boundary line should begin. The governor adds this assurance “That there is nothing that can prevent the religious compliance with the Treaty.”

On the 28th and 29th of March, governor Gayoso issued two proclamations, both bearing date the 29th, taking new ground for retaining the post, viz. until the right of the inhabitants to the real property is ascertained. The governor is pleased to say that a negotiation was then carrying on between the king of Spain and the United States, to secure to the inhabitants of the Natchez the right to their real property: that that right could not be secured but by an additional article to the late treaty; and that he should keep possession of the country until that article should be officially communicated to him; *and until they were sure that the Indians would be pacific.* This last reason particularly warrants my assertion—That the governors meant for an indefinite period to avoid an evacuation of the posts—for while a tribe of Indians existed in that quarter, the governors could not be *sure* that they would be pacific. And as to their real property, seeing the great body of the inhabitants appear not to desire the patronage of the Spanish government to secure it: As the government of the United States must be at least as anxious as that of Spain to protect the inhabitants in their rights, when become citizens of the United States: I believe there can be no difficulty in deciding whether this is a reason or a pretence. Besides, the negotiation mentioned by the governor *about the real property of the inhabitants*, has never existed; nor even been proposed or hinted, either to or by the government of the United States. I hope, therefore, it will not be deemed harsh, or unbecoming in a letter of this kind, to say, that this motive for suspending the evacuation of the posts—that a negotiation was then on foot to secure the real property of the inhabitants—does not merit the title even of a *pretence*.

So soon as the governor discovered that his proclamations, instead of quieting the minds of the inhabitants, produced a contrary effect, he sent two gentlemen of the settlement to inform Mr. Ellicott that he, the governor, had received directions from the Baron de Carondelet to have the artillery and military stores expeditiously removed from the forts, which were to be given up to the troops of the United States immediately on their arrival. As this information did not remove suspicions, Mr. Ellicott wrote the governor on the 31st of March, stating divers circumstances which still kept those suspicions alive. The governor answered on the same day in direct contradiction to the information given by the gentlemen, his agents, to Mr. Ellicott, and confirming the declarations made in his proclamations. He added also a new motive for retaining the posts, viz. That the treaty left it doubtful whether, when the posts should be evacuated, the works were

to be left standing, or to be demolished, concerning which the governor general found himself obliged to consult his Catholic Majesty; and had given the governor positive orders to suspend the evacuations of the posts until the matter should be amicably settled between the two governments.

On the 1st of May, another motive is assigned for retaining the posts—The envoy of his Catholic Majesty in the United States, had informed the governor general of an attack proposed against the Spanish part of Illinois (the upper part of Louisiana) by the British from Canada, and, therefore, the posts at the Walnut Hills and the Natchez must be kept for the defence of lower Louisiana.

This last motive is also offered as a reason why the running of the boundary line is postponed; as all their attention was drawn towards the defence of the province, against an invasion which, as I have already shown, was never contemplated.

To all these facts, I have to add the declaration of General Wilkinson, in his letter of June 2d, to the Secretary of War—"I have (says he) information through a confidential channel, that it was determined as early as *September last*, not to give up the posts on the Mississippi." If this information be correct, no other proof is necessary to shew that all the reasons from time to time suggested for not evacuating the posts were mere *pretences*.

I have here brought into one view the most material facts relating to the question between us, which are scattered throughout the reports made by me to the President of the United States on the 10th of June and 3d of July, and by the Secretary of War on the 30th of June, and the documents accompanying them, as they have been published. And from this brief recital it evidently appears, as I have said in my report "That the governors of his Catholic Majesty, on the Mississippi, have, on various *pretences*, postponed the running of the boundary line, and the withdrawing of his troops from the posts they occupied within the territory of the United States: And that after repeated overtures, promises, and appearances of commencing the execution of the treaty between the two nations, in both these respects, their conduct demonstrates, that for an indefinite period they meant to avoid doing either."

You controvert this conclusion only on one ground. You say that the Treaty stipulated merely that the Spanish *garrisons* should be *withdrawn*, not that *fortifications* which might one day be prejudicial to the king's subjects, should be *delivered up*: and hence you infer that the necessity urged by the two governors of delaying to withdraw the garrisons until this question is de-

cided between the two governments, is not a *pretence*, but a substantial reason. Here I must observe that the governors had already demolished the post at the Chickasaw bluff: And it appears in the foregoing recital that they were going to demolish the post at the Walnut Hills: and the reason assigned is that the treaties with the Indians required the demolition: and governor Gayoso assigns but one motive for suspending that operation—that he had been informed of the unsettled disposition of the Indians; yet afterwards this reason (that their treaties with the Indians required the demolition of the posts) is forgotten, and their destruction, or their delivery with all the fortifications and other works standing, is by the governors made to depend entirely on the issue of a negotiation between the governments of Spain and the United States! Can any farther proof be wanting to justify me in calling this a *pretence*? But you seem to rely on this your construction of the Treaty relative to the posts: You have urged it in your letter to me of the 24th of June; and therefore I will consider it.

The 2d article of the Treaty having described the boundaries between the territories of the United States and Spain, thus proceeds—“And it is agreed that if there should be any troops garrisons or settlements of either party, in the territory of the other, according to the above mentioned boundaries, they shall be *withdrawn* from the said territories within the term of six months after the ratification of this treaty, or sooner if it be possible: And that they shall be permitted to take with them all the goods and effects which they possess.” But to justify your retention of the posts, you say that the demarcation of the boundary line should precede the withdrawing of the Garrisons: Yet *you* suppose it *probable* and his Catholic Majesty’s governors *well know*, that the Chickasaw bluff—the Walnut Hills—and the Natchez are within the territory of the United States.

Governor Gayoso speaks of the boundary line as being near Clarkesville, a place many miles below the Natchez; and he also knew the result of Mr. Ellicott’s astronomical observations on the spot, which ascertained the Natchez to be about thirty nine miles north of the south boundary of the United States.

There being then not a shadow of doubt with respect to the position of these posts—that they are all within the territory of the United States, there was no necessity previously to run and mark the boundary line: which besides, if set about in good earnest, it would take at least a year to accomplish, through a wilderness of many hundred miles in extent; and therefore it never could have been contemplated as necessary to precede the evacuation of the posts, which was to be effected in *six months*,

or sooner if possible. Yet fifteen months have elapsed, and you still keep possession.

But you suggest that it is at least doubtful whether by the Treaty it was intended to leave the fortifications standing, when the garrison should be withdrawn. You say "It is not to be presumed that it could ever have been the intention of his Catholic Majesty to deliver up fortifications, which, besides that they had cost him considerable sums of money, may, by the effect of political vicissitudes, be one day prejudicial to his subjects." I feel much reluctance to attempt the refutation of a construction so obviously erroneous. It is probably the first time that to "withdraw" or *retire* from a place has been imagined to intend its *destruction*. If at the formation of the treaty the *demolition* of the posts had been intended; it would assuredly have been expressed. But doubtless the idea never occurred, until it was found convenient to make it a pretence for holding the posts. The phrases "to withdraw a garrison," *to evacuate a post or country*, have as determinate a meaning as any in the English language; and their meaning is ascertained by frequent use in treaties; and to *destroy* a country or a fortified place, from which it was stipulated to "withdraw" an army or a garrison, would be such an act of barbarism as ought never to take place among civilized nations. One of the latest treaties made by the United States (that with Great-Britain) has the same phrase "His Majesty will *withdraw* all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This *evacuation* shall take place on or before the first day of June 1796." And these expressions are used in the same treaty as equivalent to "the delivery of the said posts." The British treaty was in this manner accordingly carried into effect—the British troops were *withdrawn*, and the works *left standing*. The British officers were even careful not to expose the works to accidental destruction: for as the American troops did not reach the posts by the first of June, small British guards were left to preserve the works from injury until the American troops arrived.

By the treaty concluded at Versailles the 3d of September 1783, between Great-Britain and Spain, it was agreed, "That the King of Great-Britain should cause East Florida to be *evacuated* three months after the ratification of that treaty, or sooner, if it could be done." The evacuation took place, but no demolition of fortifications.

In the preliminary articles of peace between England, France and Spain, signed the 3d of November 1762, it was stipulated "That as soon as possible after the ratification of these preliminaries, France should *evacuate* Cleves, Wesel and Guelders,

and generally all the countries belonging to the King of Prussia :” were *those places demolished*, or the *country laid waste*, when the troops withdrew ? Or were there any subsequent negotiations to remove any doubts on the subject ?

But I have dwelt too long on a point that really required no elucidation.

On this, as well as on another occasion, you have thought fit to upbraid me with shewing to the British Minister a degree of candour and confidence which you insinuate he does not deserve, and which, you seem to think, I have withheld from you. Yet, Sir, all the declarations made to me by that Minister, verbally and in writing, touching the points in controversy between you and me, have been verified. As I have already said, you declared to me that you had just reasons for suspecting that an expedition was preparing on the lakes by the English, in order to attack Upper Louisiana. The British Minister, in the first instance, assured me that he had no knowledge of it—and his subsequent enquiries enabled him further to assure me that no such expedition had been or was intended by the British government. And I have in another place offered other reasons which confirm the truth of these assurances. Yet you tell me, that the assurance given me by the British Minister, *but without any signature* did not inspire the servant of his Catholic Majesty with the same *blind confidence*, which it produced in me. I shall take no other notice of this remark, than to put you right in point of fact. The note of the British Minister containing the assurance to which you refer, is *not* “without a signature :” This (like other official notes from that Minister) has his signature—*his name written with his own hand*—at the head of it.

You declared to me “that you knew to a certainty that the English had made propositions to General Clarke, of Georgia, in order to avail themselves of his influence in that State, together with some other persons, for making a diversion, or serious attack against Florida.” The British Minister informed me that although he knew nothing of General Clarke or his expedition from Georgia, a proposition had been made to him (the British Minister) for an expedition against the Floridas : but that he told the projector, that he had no power to authorize it : and besides, that there were among other objections to the plan, two of great weight—one that the Indians were to be employed—the other, that it would violate the neutral rights of the United States. The British Minister has since shewn me an original letter from Lord Grenville, dated the 8th of last April, in which he informs the Minister, that if

there were no other objections to the plan, the two mentioned by him, viz. that it could not be executed without employing the Indians—and without violating the rights of the United States, would be sufficient to induce the British government to reject it.—This proves, Sir, that Mr Liston's declarations on this point were not “vague and unauthentic” as you pronounce them; but in strict conformity with truth.

As to General Clarke of Georgia, the British Minister declared he had never even heard of him; and the extract of the letter from Mr. Jackson, the district attorney of Georgia, respecting General Clarke and any expedition forming there, in behalf of the *English* against the Floridas, will incline every candid enquirer at least to doubt whether such a project has ever been proposed to him. We shall afterwards see that Mr. Blount's plot does not appear to have any connection with an expedition under General Clarke.

Thus you see, Sir, that I have not *blindly* placed a confidence in the British Minister: for aught that has yet appeared, he was entitled to the credit he has received.

I return to your letter. You mention your communications to the Baron de Carondelet respecting the intended expedition from Canada: from that moment, you say, imperious necessity, and the great principle of self defence, made his Catholic Majesty's officers turn their thoughts to objects of a more urgent nature than running the boundary line. And here you introduce “Mr. Blount's letter, and the late detected conspiracy, as evincing how far their conduct in this respect was necessary.” It is wonderful, Sir, that you should attempt to make it be believed that Mr. Blount's letter and the late detected conspiracy had any connection with the expedition which you suggested was preparing on the lakes of Canada against Upper Louisiana. All that is yet discovered of Mr. Blount's project or conspiracy, proves that it was to have been formed in one of the States *South of the River Ohio*; and that it was destined against the Floridas, and perhaps Lower Louisiana. I, therefore, feel myself, for this and the other reasons before exhibited, still warranted in considering the suspected Canada expedition among the *pretexts* for delaying to evacuate the posts, and to run the boundary line: and consequently that your charge, that I have in this instance “palpably attempted to make groundless and unfair impressions on the public mind,” is alike unfounded and unbecoming your public character to suggest.

In your next paragraph you thus address me. “Nor do your ill founded insinuations stop here: sentiments and expressions still more violent, flow from that same hasty pen.” This passage is in perfect correspondence with the general strain of

your letter. Whether your charge is correctly made is now to be examined.

I am ready to confess that my report thus stigmatised was, from the pressure of business, written in haste: but a revision of it satisfies me, nevertheless, that it is not inaccurate in its statements.

You quote the passage in my report which has called forth this reproach; it is in these words—"That there is but too much reason to believe Mr. Ellicott's suspicions well founded, that an undue influence has been exercised over the Indians by the officers of his Catholic Majesty, to prepare them for a rupture with the United States." And then you say that I mention the source of these "dreadful conjectures" to be, a private letter from Mr. Sargent, Secretary of the North-western Territory. Here you are extremely incorrect; as usual when you undertake to recite my conclusions and the facts and circumstances upon which they are formed. It is from "a view of the whole correspondence" referred to in my reports of the 10th of June and 3d of July.—On the intelligence received by the Secretary of War—and the private letter from Colonel Sargent, that I drew the conclusion you have quoted.

Mr. Ellicott formed his suspicions on the spot, from what was passing before him; and he is not a careless or undiscerning observer.

General Wilkinson says—"Letters from all quarters announce the discontents and menacing aspect of the Savages; two white men have been recently murdered on the Ohio below the Cumberland; and the Savages beyond the Mississippi, and those who pass Massac, make no hesitation to avow their purpose for war." And then he refers to a letter from Colonel Hamtramck; who commands the United States troops at Detroit, in which the Colonel says—"I am pretty sure that both the French and Spaniards have emissaries among the Indians. I have it from *indubitable authority*, that a large *belt* [by which he meant a Speech] from the *Spaniards* is now travelling through the different nations;" meaning the nations within the territories of the United States.

Colonel Sargent writes, it is true, a *private letter*; but it is to a public Officer; and his situation as Secretary, and Governor for the time, of the North-western Territory, would render it his duty to be vigilant for its safety; and his character vouches for the accuracy of his information; and you do not question the truth of any part of his statement.

After mentioning that the Spaniards were reinforcing their upper posts on the Mississippi, that upwards of three hundred men had arrived at St. Louis and were erecting formidable

works; he adds—"It likewise appears, through various channels, that they are inviting a great number of Indians of the territory (meaning of the United States north-west of the Ohio) to cross the Mississippi: And for this express purpose Mr. Loramie, an officer in the pay of the crown, made a tour through all this country last fall; since which time several Indians have been sent on the same errand, and generally furnished with plenty of cash to defray their expenses"—"A large party of the Delawares passed down White River about the 6th of May, on their way to the Spanish side, *bearing the national flag of Spain sent them from St. Louis.*

Lieutenant Pope, in his letter of May 9th to the Secretary of War, says—"There have been several attempts made to draw on the Indians upon my troops: I have fully ascertained this fact, and demanded of the Governor to have a principal actor immediately brought to punishment, or sent out of the country. He has been sent for, and is now on board of one of the galleys which is now about descending the river."—And, Sir, if you enquire, you will find that this "principal actor" (Rapelje by name) was one of Governor Gayoso's agents.

These, Sir, are the grounds on which I expressed the opinion, That there was but too much reason to believe Mr. Ellicott's suspicions well founded, that the officers of Spain had exercised an undue influence over the Indians to prepare them for a rupture with the United States.

This detail, Sir, strikingly shews how little you have understood, and how entirely you have misrepresented my reasoning on this subject. I leave you to reconcile your reflections on the British Minister and his nation for their inhumanity in employing the Indians in the American war, with your justification of the Spanish officers at this time, in securing the aid of the Indians in your war with the British. "The Spaniards (you say) have fortified St. Louis *and availed themselves of EVERY MEANS OF DEFENCE which the country afforded;*" meaning by the ingenious expression *every means of defence which the country afforded,* the employing of the Indians.

You are pleased next to charge me, in your customary stile, with "falling into the most *glaring inconsistency,*" because I remark that although, "it may be difficult to say whether this plan of exciting the Indians to direct hostilities against the United States, has been contemplated and promoted by any of our own citizens; yet it is certain that one or more of those citizens have proposed and taken measures to detach the southern Indians from the interests of the United States, and to destroy the influence of the public agents over those nations, and

thus to defeat the great objects of their appointment ; the chief of which is to preserve peace."

Having quoted this passage from my report, you ask "How is it possible to reconcile such evident contradictions? On the one hand the Spanish officers are those who excite the southern Indians against the United States, and on the other you quickly follow presuming, with sufficient foundation in my opinion, that it may be some citizens of the United States." Allow me, Sir, to ask in my turn, How it was possible for you not to see that here there is no contradiction? Is it not very possible that the Spanish officers might be courting the Chickasaws, who live above the Natchez, with large presents, and be preparing the Choctaws, who dwell along the Natchez district, and the Delawares, Shawanese, Miamis, and other tribes dwelling in the territory north-west of the Ohio, for war against the United States, while Mr. Blount and his agents were detaching the southern tribes of Cherokees and Creeks from the interests of the United States, and eventually to aid the British in an enterprize against the Floridas? The Cherokees and Creeks, you might have seen, were the only Indian nations mentioned in governor Blount's letter. And is it not very possible, if these two nations should thus be led to war against the Spanish possessions, that they might *not* be excited to *direct* hostilities against the United States? And, therefore, that although Mr. Blount might contemplate the former, he might abstain from the latter? And is not then my cautious manner of speaking of this latter, perfectly correct?

I am happy to arrive at your last observation. And I wish it was not, like the rest, exceptionable and incorrect. These are your words—"Respecting the last article of your report, I have only to observe, that although you have constantly assured me that government had not the least information respecting the subject of my representations, and although the letter of Mr. Jackson, of Georgia, appears to coincide with your ideas, nevertheless time has shewn that I have complied with my duty by not reposing on such assurances. The plot is discovered, and nobody any longer doubts the expedition was to have taken place."

The expression that "you complied with your duty in not reposing on such assurances" may mean that you thought the assurances *deceitful*, and, therefore, not meriting belief. Perhaps you did not intend this. Perhaps you meant no more than that the government had been "remiss" in its duty, in not pursuing with eagerness the trains of your various suspicions. But I must show you that here (as in all other instances, your criminations are void of foundation, in either point of view.

The last article of the report respects general Clarke of Georgia, to whom you said "you knew of a certainty that the English had made propositions, in order to avail themselves of his influence in that state, with some other persons, for making a diversion or serious attack against Florida:" and you add that "you do not doubt that in consequence of your information, the executive government will take the proper steps that Georgia also should not infringe the laws of neutrality." Here you confine your requests to Georgia, that she might not infringe the laws of neutrality: and my letter to Charles Jackson, esquire, the district attorney of that state, shows that the government took prompt measures to defeat the project of general Clarke and his associates, if such a project existed. I suppose none did exist: You acknowledge that the letter from Mr. Jackson coincides with my ideas. Your "certain knowledge" of an intended expedition in favour of the English from Georgia against Florida, under general Clarke, you have never supported by a shadow of evidence. If you possessed any evidence of the fact, it would be easy to produce it. What you call your "certain knowledge" could rest only on information, or the testimony of others, which might be as false or as vague and inconclusive, as the information about the Canada expedition; which I hope I have proved, to your conviction, never to have existed, even in idea. Yet you declared to me that you had "*just reasons*" for suspecting that expedition was preparing on the lakes:" and hence how can I avoid concluding, that your "certain knowledge" in one case, like your "*just reasons*" in the other, were without a sufficient foundation.

But you say "The plot is discovered, and nobody any longer doubts that the expedition was to have taken place." Strange remark! Just the reverse of it should have been made. For although there is a discovery of Mr. Blount's plot, its extent is by no means ascertained; and far from nobody doubting, probably every body doubts whether the projected expedition was to have taken place. It was not to be undertaken but in conjunction with a British force—and on the proposal of the expedition to the British government it was totally rejected. Even Mr. Blount, who, if the project was adopted, *expected to be at the head of it*, ventures no farther than to say *he believed* that the plan would be *attempted*, but if attempted, that it would not be till the "fall:" and consequently your zeal in March and April, for which at the expence of decency towards the American government, you take to yourself so much credit, had then no just object. This zeal of yours is displayed in the information you gave to the Baron de Carondelet, in

March or April, of the expedition supposed to be preparing in Canada against Upper Louisiana: yet you would now attempt to justify this zeal by the plot of Mr. Blount; although this plot and the Canada expedition were wholly distinct and unconnected.

I shall conclude this long letter with your eleven positions, which you state with as much serious formality as if they were all of them important, and all of them supported by facts or just reasoning: But the details I have given demonstrate that these positions are either unfounded, or simple propositions of not the smallest consequence.

These are your positions addressed to me in your own words.

“ 1st. That on the 27th of February I gave you sufficient particulars respecting the intended expedition, to have attracted the attention of this government.”

Answer. I have offered reasons to prove that you gave me *no particulars*, but only mentioned your *suspensions*, and that you promised to give me your representations in writing; for which, of course, it was proper for me to wait.

“ 2. That altho’ to this verbal communication, I added another in writing on the 2d of March, the President had not the least knowledge of it on the 9th of the same month; and that without doubt you must have had very powerful motives to prevent you from communicating it to him.”

Answer. I have accounted for the delay in a satisfactory manner. I have shewn that I had abundant reason to conclude your suspicions to be wholly unfounded, and for attaching no sort of consequence to them. The event demonstrates that I was right; and that instead of *very powerful* motives, none were needed for a delay of only four or five days, or for a much longer period; and that to notice your naked suspicions at all, was not an act of necessity, but of complaisance. I might with justice complain of *your* delay to answer my letter of the 16th of March, on a subject of very high importance to the United States, I mean the evacuation of the posts. I will not say that you were negligent—or “remiss”—but I will say that for a whole month you omitted to give me your short and unsatisfactory answer. The indisposition which you assign as the cause of the delay, did not prevent you from writing on other subjects—nor long from going abroad.

“ 3. That it does not appear by the documents presented by the Secretary of War, that government had given orders to the military commanders to cause the territory and neutrality of the United States to be respected.”

Answer. I have shewn that none were necessary to be given.

"4. That you made to the English Minister a communication which in my opinion you ought not, and that even if you thought it necessary, you delayed doing it for two months, that is from the 27th of February to the 28th of April, altho' it respected a most urgent and important object."

Answer. On the 28th of April, I informed you by letter that I had communicated to the British Minister your suspicions of an expedition preparing by the English against Upper Louisiana; and as for upwards of two months you expressed no dissatisfaction on account of this communication, I might well conclude you did not think it improper. Nay in your letter of July 11th, which I am now answering, you refer with apparent approbation to this very communication, connected with the declaration which accompanied it to the British Minister, that the President could not consent to the march of any troops, either British or Spanish, through the territory of the United States; and you consider it as a "determinate disposition" of the American government on this point. I have also shewn, that admitting this communication to Mr. Liston to be proper, I did not delay doing it for two months nor two weeks; altho' it respected at best but an *imaginary* project.

"5. That the Baron de Carondelet could very well have received my letters, without its necessarily following that his had come to hand."

Answer. I have shewn that you did not understand my reasoning on this point; which went to prove that your answer of the 17th of April to my letter of the 16th of March, about the evacuation of the posts, was wanting in candour.

"6. That the Baron did not represent Mr. Ellicott's not writing to him officially as a *complaint*, but as an *observation*, and that in fact he never has done it in those terms."

Answer. I have shewn that whether the Baron's assertion should have been called a *complaint* or an *observation* was perfectly immaterial; I meant to shew it was *unfounded*, and this you yourself admit.

"7. That the proofs you alledge to exculpate Mr. Ellicott respecting his intentions of taking the fort of Natchez by surprize are purely negative."

Answer. I offered them only as negative proofs. Yet when one complaint or assertion against Mr. Ellicott was known and acknowledged not to be true, the *negative* testimony of gentlemen likely to be well informed, would be deemed sufficient to bring another, and in its nature very improbable, complaint or assertion of the same person, into discredit.

"8. That it is not merely *pretences*, but very powerful reasons which have impeded the evacuation of the Posts, and the running of the boundary line."

Answer. The point of view in which I have now exhibited the conduct of the Spanish governors relative to the evacuation of the posts, and the running of the boundary line, I should suppose might convince you that the causes which they have offered for the delay, are mere *pretences*: the American citizens, to whom you have appealed, have been convinced only by reading the printed documents, without any comments.

“9. That the insinuations with which you are willing to persuade the American people that our arming is directed against them, are unjust as well as unfounded, as by Mr. Blount’s letter it is clearly demonstrated to be a precaution for the mere purpose of defence.”

Answer. The grounds of my suggestions, which you call “insinuations” are detailed in this letter, and embrace too many facts and circumstances to be abridged: permit me to desire you to review them. I shall only repeat, that nothing is more certain than that Mr. Blount’s letter has not the remotest reference to the suspected Canada expedition; which is your only pretence for reinforcing the posts in Upper Louisiana—for calling the Indians to your aid—for holding the posts at the Natchez, and Walnut Hills—and for delaying to run the boundary line.

“10. That you evidently contradict yourself, when on one hand you are pleased to attribute to us the movements of the Indians, and in the very next paragraph you shew it might proceed from American Citizens, as it actually does, according to Mr. Blount’s letter; and that he acted with the knowledge and intelligence of the very same British Minister, in whose private notes, *without signature, and perhaps not of his own hand writing*, you place such implicit confidence.

Answer. I have shewn that there is not a shadow of contradiction in my observations on this subject; and your assertions to the contrary must proceed only from your not understanding them. You say that Mr. Blount acted in this matter with the knowledge and intelligence of the British Minister. This is not likely to be true. It is in proof, by other evidence than the British Minister’s notes, that he did not and could not authorize the projected expedition against the Floridas—and particularly that one of his strong objections against it was, that it contemplated the employing of the Indians; although he thought it proper to submit the project to the consideration and decision of his government. Nobody therefore will believe that he authorized Mr. Blount, or was even privy to his measures, for preparing the Indians for war. Besides, doctor Romaine, who may be presumed to be well acquainted with Mr. Blount’s

plot, suggests that it is not the project offered to Mr. Liston by Chisholm. These are his words: "Mr. Blount is totally unknown to Mr. Liston, *and so are all his views.*" And there is a passage in Mr. Blount's letter which countenances the doctor's assertion, and indicates, that although Chisholm and Blount had some communications with each other, yet that their views were not precisely the same. Mr. Blount, in his letter to Carey, says, "Where captain Chisholm is, I do not know. I left him in Philadelphia, in March, and he frequently visited the Minister and spoke upon the subject; but I believe he will go into the Creek nation by way of South-Carolina or Georgia. He gave out he was going to England; *but I did not believe him.*" These last words afford a pretty strong proof that they were not acting wholly in concert. Probably Mr. Blount endeavoured to persuade Chisholm that he would co-operate in the prosecution of *his* scheme; while at the same time he might have another of his own or in concert with doctor Romaine, and stand ready in the event of things, to make his advantage of either; whichever should offer the best prospect of success: Doctor Romaine, you see, says that Mr. Blount is totally unknown to Mr. Liston: But it is well known that Mr. Blount was your frequent guest, and intimate companion; and that he was on this intimate footing with you during the whole time that you were representing to the government, your suspicions of British expeditions. Yet after the discovery of the conspiracy was made public, you formally requested the American government to punish him for so scandalous a crime. But seeing that Mr. Blount was a citizen of the United States, and not a subject of Spain, it would have been decent in you to have left him with his own government without interposing your advice. But especially when you knew that the President had laid his letter before Congress; and the two Houses were deliberating on the modes of punishing him; when the investigation had proceeded so far that a committee of the Senate had reported a resolution to expel Mr. Blount from the Senate; and a committee of the House had reported a resolution that he should be impeached for high crimes and misdemeanors: For you then to interfere was singularly improper; and it was such an ostentatious display of zeal, as under all the known circumstances, suggests more than one interpretation.

"II. That although in all your official communications, you have always manifested to me that the American government knew of nothing which indicated any foundation for my suspicions, Mr. Blount's letter clearly proves that I was perfectly in the right."

Answer. This remark is perfectly in-consequential ; for your communications exhibited your suspicions of projected expeditions only from Canada and Georgia : and I have shown that Mr. Blount's letter has no relation to either.

I thought I had reached the end of your criminations : but in your concluding paragraph you accuse me of an " unjust partiality," meaning, no doubt, towards the British minister and his nation. The details I have given in this letter, I trust will abundantly prove that this charge is as unfounded as it is indecent. Those details verify the representations of the conduct of certain Spanish officers which are given in my report of the 3d of July to the President. If the truth has excited any unpleasant sensations, those only are to blame whose injurious acts obliged me plainly to declare it. Instead of this talk, I should have been happy to execute the grateful office of stating to the President the good faith and amicable manner in which the officers of his Catholic Majesty had executed the treaty of friendship, limits and navigation between our two nations.

You think also that my report to the President *is not calculated to strengthen the bonds of friendship which unite Spain and America*. Friendship, Sir, cannot subsist without *mutual confidence* ; and *confidence* springs from *sincerity*. But the proceedings of the Spanish officers, which are the subject of this correspondence, have shaken the confidence of the government and of the citizens of the United States ; and my report to the President only exhibits a summary of those proceedings ; or rather the plain and obvious conclusions from the authentic facts and circumstances detailed in the documents, then and before presented to his view. And I dare venture to say, that every independent American has from the same premises drawn the same conclusions.

Nothing, Sir, will give truer satisfaction to the government and citizens of the United States than to see such a change in the proceedings of the Spanish officers as will restore confidence. The change would be easy, and the effect certain. *Let them withdraw their troops and garrisons from the territories of the United States. Let them commence and prosecute the running of the boundary line. Let them cease to stop, controul or regulate the passage of our citizens on the Mississippi ; seeing these have a right to navigate it with perfect freedom—And let them cease to send Agents or Emissaries among the Indians residing within the territories of the United States.* When they shall do these things (and the good faith of his Catholic Majesty pledged in the treaty renders their doing them an indispensable duty) then we shall forget what is past ; our confidence will return ; and with it that beneficial

intercourse and those friendly acts by which neighbours may promote each others interests, welfare and happiness. And for such a state of things, whatever you may have imagined to the contrary, no one more ardently wishes, and on its arrival, no one will more sincerely rejoice, than

Your obedient servant,

TIMOTHY PICKERING.

(No. 14.)

(TRANSLATION.)

S I R.

THE day before yesterday, the 17th, your letter of the 8th instant was received at my house at Philadelphia, and yesterday, the 18th, it came to my hands at this city. I avail myself of the first opportunity to acknowledge the receipt of this your answer to my letter of the 11th of July last, and as the examination of its contents would lead us to an endless discussion, I confine myself to mention to you that when I had the honor of giving you the first notice relative to the projected expedition against Louisiana, with all the particulars referred to in my said letter, you were *alone* in your Cabinet: That two days after I went to speak to you on another subject, and having there met the Secretary of War, Mr. M'Henry, I embraced the opportunity of speaking anew concerning it; and if then I spoke in general terms, it was doubtless to avoid the repetition of what I had communicated so shortly before. As it appears that you have forgotten this circumstance, it is not extraordinary that it should have escaped your memory in like manner with all the particulars of my first conference, mentioned in my above cited letter.

I offer myself to your disposition, and hope that God will preserve you many years.

Your most obedient servant,

CARLOS MARTINEZ de YRUJO.

New-York, 19th August, 1797.

Timothy Pickering, Esquire, }
Secretary of State.

(No. 15.)
(TRANSLATION.)

S I R,

WHEN the King my master appointed me his Envoy Extraordinary to the United States of America, immediately after having made with them a treaty the most liberal and generous,* I flattered myself, that the principal exercise of my functions would be to give and receive repeated proofs of the union and friendship so intimate by the bands of that Treaty. Instead of those flattering expectations judge of my feelings on seeing them entirely vanished, and finding in that convention, which I trusted would forever have united us, the origin of disagreement and contention unfortunately too well founded on our part.

I have before made known to you the just motives which had determined the Spanish Commandants of Louisiana, to suspend in part the entire execution of the treaty, as no injury to the United States would flow from a short delay; and it might occasion great injury to the security of the possessions of the King to abandon certain posts, which under present circumstances would leave Louisiana open to the attacks of the English, and exposed to the effects of the evil intention of some Citizens of the United States. I have also heretofore shewn to you, that the American Agents at the Natchez, far from contributing to preserve that union and harmony which is so suitable to the two nations, conducted themselves in a manner highly imprudent; and even that I had reason to believe that they intended to obtain possession of the fort by surprize. The last advices which I have received from those parts, and the documents I herewith transmit to you, appear to me to prove it in such manner that I cannot but consider those suspicions as being very well founded.

For some time past the conduct in this respect of the Commandant of the American troops, Mr. Piercy Smith Pope, and at first of Mr. Andrew Ellicott, has been irregular, provoking, and in some degree hostile. The Commandant Don Manuel Gayoso had positive advice that in the camp of said Pope a great number of ladders were making, and that arms (armas

* Altho' you only characterize as *just*, the stipulations of the treaty with Spain, I will take the liberty of observing, that, abstractedly from all the points which I touched in my letter of the 6th May, the Spanish sovereignty over the Natchez being in right of conquest at the period of the peace of 1783, if the United States obtained this possession by a voluntary convention, they owe it only to the *generosity* of Spain.

blancas) were preparing, evincing by these preparations their determination to assault the fort. The firmness and vigilance of the Governor Don Manuel Gayoso appears to have induced them to alter their intentions, and being well persuaded, that the forts of *Nogales* and the Natchez could not be taken either by force or surprize, they availed themselves of some profligate people to foment an insurrection, which it appears was to have taken effect on the 12th June, and which the prudence and preponderance of the wealthy inhabitants were alone capable effectually to stop.

The official letters of Mr. Piercy Smith Pope and Mr. Andrew Ellicott, numbered 3 and 4, and the documents 5 and 6, evidently show the part which both of them took in that popular commotion, however they may pretend to deny it: since assuredly nothing of this kind would have happened, if they had not assumed without any authority whatever to treat of and determine some points and discussions of a political nature foreign to their Commission, with a publicity and arrogance calculated to compromit the two powers, explaining themselves without candour and with intent to lead astray the populace on the principal point of the difficulty which had occasioned a wish on both sides for an explanation of the doubts which arose respecting the treaty.

If their conduct has been provoking and insulting, their language towards the Spanish Government has not been less so. Mr. Andrew Ellicott in his letter of the 13th of June, to Don Manuel Gayoso, says, *to embrace the means which will finally assure to them their happiness cannot be censured*, (alluding to the change of the people of the Natchez from the dominion of the King my master to that of the United States) this is clearly an indirect attack upon the Spanish Government, as unjust as improper on the part of an Agent of a friendly nation.

The document number 5, signed by Mr. Ellicott and Piercy Smith Pope, dated the 13th June, evidences, by the manner in which it is written, their intentions to deceive the public. At that time and even since they neither had nor could have just ground for officially speaking of an approaching rupture between the United States and Spain; yet you will see, that they speak of it as a thing at hand and almost inevitable, relying only on the preparations for self-defence made in some forts on the banks of the Mississippi, and which they knew to be in consequence of the intended expedition of the English.

The whole tenor of their correspondence and particularly the document number 6 leaves no doubt that these Agents have interfered in political matters utterly foreign to their commission, engaging themselves to *co-operate with the Committee ap-*

pointed to obtain the due execution of justice; and APPROVING of the propositions presented to Governor Gayoso.

The repeated declarations you have made to me, that the intention and desire of the United States are to preserve peace and a good understanding with Spain, leave me no room to doubt, that the scandalous and insulting conduct of Mr. Ellicott, at first, and finally of Captain Piercy Smith Pope, is purely arbitrary, without any other guide than their passions and individual interests; and at the same time I can do no less than apply to you in the name of the King my master, in order that for such repeated insults there may be given to us due satisfaction as necessary to Spain as becoming for the United States.

God preserve you many years.

Your most obedient and humble servant,

CARLOS MARTINEZ de YRUJO.

Philadelphia, 9th October, 1797.

Timothy Pickering, Esquire, }
Secretary of State.

The Documents referred to in the preceding letter, are

(No. 1.) Governor Gayoso's letter of June 13, to Mr. Ellicott.
This is the same with the document No. 2. before inserted.

(No. 2. A.) Governor Gayoso's letter to Lieut. P. Pope, of June 13.

(No. 3. A.) Lieutenant Pope's answer of the same date.

(No. 4.) Mr. Ellicott's answer to Governor Gayoso, of June 13.—This is the same as the document No. 3. before inserted.

(No. 5. A.) Advice from Mr. Ellicott and Lieutenant Pope, to the people, to remain quiet.

(No. 6.) Their approbation of the articles of pacification between Governor Gayoso and the inhabitants.—This is the same as the preceding document No. 8.

[No. 2. A.]

Governor Gayoso, to Captain Pope.

S I R,

FROM repeated information of which I am possessed, it appears certain (and the conduct of some of the inhabitants of this government equally manifest it) that a number of the subjects of his Majesty meditate and intend to rise and hostily attack the fort, unmindful of the oath of fidelity, which they have taken, and of the benign protection which the government has dispensed to them for many years, and declaring themselves, as it is said, Citizens of the United States of America. It is also further asserted, that they do it by your instigation, and that they have in their possession a paper in which you give authority to them in their rebellious designs, and by which you promise them your protection and to furnish them the means of putting them into execution.

I cannot persuade myself that you would act in so unlawful a manner as to be the promoter and an active party in an insurrection which will inevitably terminate in a rupture between the two nations and the total ruin of this district and its inhabitants: Wherefore I pray you to inform me positively whether such is, or is not, your intention, in order that I may notify it to the Commandant General of this Province, that it may be communicated to his Majesty. And if you persist in the same opinion, from this moment I protest solemnly in the name of my said Commandant General, against a conduct so irregular, making you responsible for the fatal consequences, which may flow from it.

I repeat the request to you to give me a catagorical answer on this subject, and I have the honor to be with consideration,

Sir, your most obedient servant,

MANUEL GAYOSO de LEMOS.

Natchez, 13th June 1797.

[No. 3. A.]

Lieutenant Pope, to Governor Gayoso.

Camp at the Natchez, 13th June, 1797.

S I R,

I HAVE received your letter of this date, in answer to which I must avail myself of anterior occurrences. Shortly after my arrival here, did you not positively give it to be understood,

that you intended to evacuate this post, as being within the territory of the United States? In attending to your first correspondence, I presume you cannot impute to me the charge of inconsistency and impropriety. If your government feels the necessity of breaking its engagements, and if on this very account the people become irritated against it, as I have not been the first promoter of the deceit, so I am as little responsible for the event. I consider myself as the person appointed by my government to take possession of the post of the Natchez: you admitted it in the beginning, and I consequently have a right to sustain it. It is not surprizing that the citizens of the United States have chosen me to defend their right. After reflecting maturely upon every part of the question, it is surprizing, that you should yet consider the people of the Natchez as subjects of his Catholic Majesty. But you appear to me to request that I should give you positive answers to general questions.

Have you endeavoured to instigate the people of this country to act hostilely against the interests of his Catholic Majesty?

Have you stirred up the people to take the fort? Or have you moved or incited them to other hostile objects?

To each of these questions I answer positively, no: but as commandant of the troops of the United States at the lower posts, I must assure you, that the landing of any troops or the repairing of the fortifications of the territory in question, will be considered as an attack upon the dignity and the honor of my country, and I shall conceive myself bound by duty to act conformably to my present sentiments. I cannot nevertheless, as far as respects myself, omit informing you, that any agreement upon just principles will meet my approbation.

PIERCY SMITH POPE, } Commandant of the troops
of the United States on
the Mississippi.

Senior Don Manuel Gayoso de Lemos.

[No. 5. A.]

Copy of a paper which was circulated.

WE the subscribers have no knowledge of our Country being now at war; but from the hostile preparations, which the Officers of H. C. M. are making in these parts we are induced to believe, that war is not very distant, and until the commencement of hostilities against the United States, those

who consider themselves Citizens thereof will respect all descriptions of persons and things.

| | |
|--------------------|---|
| ANDREW ELLICOTT, | } Commissioner of the United States. |
| PIERCY SMITH POPE, | |
| | } Commandant of the troops of the United States on the Mississippi. |
| | |

Natchez, 13th June, 1797.

(No. 16.)

(TRANSLATION.)

From the Chevalier de Yrujo, to the Secretary of State.

S I R,

ALTHO' the answer which you gave to the letter I had the honor of writing to you on the 6th of May last, excited in me all the observations which I shall now present to you in this, wishing upon the whole, that the interests of America would induce its Administration to adopt the conciliatory mode which I proposed to you, that of giving to the American Plenipotentiaries going to Paris, the necessary instructions for adjusting the differences with Spain, I at that time abstained from entering into a reply; which although well founded, might not perhaps contribute so much to the good intelligence between Spain and the United States, as the idea which I then suggested to you, and have just now mentioned. The lively desire which I have had and still have, not to see interrupted the harmony between these two nations, has caused me to view with regret after several weeks silence your disappointment in supposing that the reasons upon which your answer is founded were sufficient to convince his Catholic Majesty of the impartiality and good faith of the United States on this point. My suspicions have been verified, and your expectations are entirely frustrated by the late orders which I have just received from the King my Master.

His Catholic Majesty has not observed in the said answer from you, any reason to induce him to change his opinion concerning the injuries resulting to his subjects from the stipulations of the English Treaty, compared with those of the Treaty with Spain, as well on the subject of the Articles of contraband, as on the principle adopted in ours "That free ships should make free goods, &c."

But what has most astonished his Majesty and confirmed him in the justice of his pretensions, is what you have said in your answer with regard to the navigation of the Mississippi. I am ordered, therefore, on a review of the whole, to make to this government, thro' you, the following observations.

When the Secretary of State, Mr. Jefferson, on the 15th of May 1793, wrote to Mr. Ternant, then the Minister Plenipotentiary of France, reclaiming the English ship Grange, captured at the mouth of the River Delaware, by the Frigate L' Ambuscade, belonging to the Republic, he accompanied his letter with the opinion of Mr. Randolph, Attorney General of the United States, in which the right of reclamation was among other reasons founded on the following.

“ That the whole of its descent to the Atlantic Ocean is covered on each side by the territory of the United States: That from tide-water to the distance of about sixty miles from the Atlantic Ocean, it is called the river Delaware.

“ That its mouth is formed by the Capes Henlopen and May; the former belonging to the State of Delaware in property and jurisdiction; the latter to the State of New-Jersey.

“ That the Delaware does not lead from the sea to the dominions of any foreign nation.

“ The corner-stone of our claim is, that the United States are proprietors of the lands on both sides of the Delaware, from its head to its entrance into the sea.

“ *A River considered merely as such, is the property of the people through whose lands it flows, or of him under whose jurisdiction that people is.*” Grot. b. 2. c. 2. §. 12.

“ *Rivers might be held in property, though neither where they rise, nor where they discharge themselves be within our territory, but they join both, or the sea. It is sufficient for us that the larger part of water, that is, the sides, is shut up in our banks, and that the river in respect of our land, is itself small and insignificant.*” Grot. b. 2. c. 3. §. 7. And Barbegroe* in his note subjoins that neither of those is necessary.

“ *Rivers may be the property of whole States.* Puff. b. 2. c. 3. §. 4. *To render a thing capable of being appropriated, it is not strictly necessary that we should enclose, or be able to enclose it within artificial bounds, or such as are different from its own substance; it is sufficient if the compass and extent of it can be any way determined. And therefore Grotius hath given himself a needless trouble, when, to prove rivers capable of property, he useth this argument, that although they are bounded by the land at neither end, but united to the other rivers or the sea, yet it is enough, that the greater part of them, that is, their sides, are enclosed.* Puff. b. 4. c. 5. §. 3.

[* Meaning Barbeyrac.]

"When a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers. Vattel, b. 1. c. 22. §. 266.

"Congress too have acted on these ideas, when, in their collection of laws, they ascribe to a state the rivers wholly within that State.

"The gulphs and channels, or arms of the sea, are, according to the regular course, supposed to belong to the people with whose lands they are encompassed. Puff. b. 4. c. 5. §. 8.

"These remarks may be enforced by asking what nation can be injured in its rights, by the Delaware being appropriated to the United States? And to what degree may not the United States be injured, on the contrary ground? It communicates with no foreign dominion."

What a multitude of consequences may be drawn from the application of these principles, established by the American administration four years ago, with regard to the navigation of the Mississippi! The powerful arms held therein by Spain for obstructing this navigation, her not having made use of them, and her having insisted in a manner so explicit and positive that the *citizens of the United States alone* should have a right to the advantages of this river, are a convincing and incontestable proof of the good faith and upright intentions of Spain. But the privilege of the Citizens of the United States to navigate the said river to the ocean, not being now doubted—let us quit this point in order to treat alone of that which regards the right acknowledged to England by the American Administration, for the enjoyment of its advantages.

What does Spain wish or desire? That the *American Citizens alone*, of all the foreign nations, should enjoy the privilege of this navigation. What does the American Administration wish or desire? *That it should not be the American Citizens alone*, who should reap the advantages of it. From this difference of pretensions, it would appear that Spain defends the interests of America more than the administration itself.

You say in your answer to me of the 17th of May, "But I might deny that the United States *ever* granted the right of navigating the Mississippi, to Great-Britain. A recurrence to the treaties to which you refer, will prove that she possessed that right by the peace of 1763; and that she has never *formally* relinquished it." In another paragraph of the same letter you add, "By the definitive treaty of peace concluded the 3d of September 1783, the latter ceded to Spain East-Florida; as also West-Florida: But the river Mississippi, as you observe, is not even mentioned in the treaty. What is the just inference from this circumstance the United States need not decide.

Doubtless Great-Britain conceived it important to hold a right to the navigation of it, and all parties at that time certainly supposed that parts of her territories joined its eastern side, and probably no one can now say they do not."

If it be certain that the United States never have granted to England the right of navigating the Mississippi, to the Ocean, it is notwithstanding very evident that *they have acknowledged it with every solemnity*, as appears by the treaty of 1783, by that of Commerce, and lastly by the explanatory article signed on the 4th of May 1796. How then could you say to me "What is the just inference from this circumstance, the United States need not decide?" Have they not decided as positively as favorably for England by acknowledging the claim to an unjust right? Which of the principles established by the officers of the administration, in relation to the Delaware, in the case of the ship Grange, will apply to England in relation to the Mississippi? For instance, is its source in the British dominions? Does it run through their provinces or discharge itself in their possessions? But you say that when by the Treaty of 1783, England ceded to Spain East and West Florida, she did not make mention of the Mississippi, but the Attorney General of the United States established in the case of the Grange the principle of Vattel. That "*when a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers,*" of course when Great-Britain ceded East and West Florida, she likewise ceded the *lands, lakes and rivers*, the right of which she might have held in the said possessions. By the principle established by you that *she had not expressly renounced it*, having made no mention of the rivers Apalachicola, Mobile or Alabama, and others, the United States might believe themselves in like manner authorized to recognize the navigation in favor of England, because they are not mentioned in the Treaty. France also might claim the navigation of the Mississippi, since in the act of cession to Spain of New-Orleans, she did not *expressly* renounce the navigation of this River. By this same principle the United States might suppose themselves authorized to recognize to France the right of navigating the river St. Laurence. The case is absolutely similar. France does not hold an inch of land on its borders, England does not possess a thumb's breadth on those of the Mississippi. The river St. Laurence neither has its source, runs through, nor empties in the possessions of France. The Mississippi neither has its origin, runs through, nor empties in the dominions of England. France once had the right of navigating the river St. Laurence, because she had possessions on its borders. England also once enjoyed the right to the navi-

gation of the Mississippi, because she had possessions on its margins. In the cession of Canada no mention is made of the river St. Laurence, altho' it speaks of Islands. Nor is the Mississippi named in the cession of the Floridas: the case then is absolutely similar. If the United States, although they did not grant, should *acknowledge* to France the right of navigating the river of St. Laurence, would not England with infinite reason consider herself as justly offended? Why therefore, when the United States acknowledge to England a right as unjust, with regard to Spain, as prejudicial to the American Citizens, should not Spain look upon herself as offended and insulted? I repeat the text of Vattel "*When a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers.*"

Afterwards touching the subject whether the possessions border on the Mississippi or not, you add "*and probably no one can now say they do not.*" I can assure you *they do not*. The late discoveries of M^cKenzie, and the best Map that has hitherto been published of North America, in London, about eighteen months ago, by A. Arrowsmith, evidence that the true origin of the Mississippi is in *White Bear Lake*, and that from that point its waters do not touch any English territory. If other testimony were necessary I should not seek it abroad: at Milford in Connecticut, there now lives Mr. Peter Pond, who has been employed 17 years in the service of the Hudson Company, has passed over and examined all those regions; has been at the same origin of the Mississippi, that is at *White Bear Lake*, and has formed a valuable Map, which he now preserves in manuscript, and which *confirms* that the English have not a foot of land on the borders of the Mississippi.

Having therefore, in my opinion, completely confuted the most essential part of the answer which you gave to my said letter of the 6th May, and having proved to demonstration the just motives which his Catholic Majesty has for being offended with the *explanatory article* signed by you and Mr. Bond, on the 4th of May 1796, it only remains for me to ask you in the name of the King my Master, whether the United States contemplate, or not, the performance of the above mentioned Treaty, in this particular.

I tender you my services, and hope that the Lord may preserve you many years.

Your most obedient servant,
CARLOS MARTINEZ de YRUJO.

Philadelphia, 21st Nov. 1797.
Timothy Pickering, Esquire }
Secretary of State. }

(No. 17.)

For the AURORA.

To the NATIVE AMERICAN.

THE punctuality with which I have answered the letters you addressed to the Chevalier de Yrujo, and the defence you have taken on yourself as well of Mr. Pickering as of the interests of Great-Britain, authorize me in directing this letter to you, and imposes on you the obligation of answering it. Previous to my entering on the principal object of it, permit me, Sir, to make a few observations.

Since our correspondence has ceased, the King of Great-Britain and his Council have declared, *that they should not consider in England, as American Citizens, those, who have been naturalized since the acknowledgment of our Independence.* This tyrannical declaration, contrary to all the principles of natural right, acknowledged by the first publicists, which, as it injures a great number of individuals in this country and wounds at the same time the sacred right of its sovereignty, I expected would have excited in you, Sir, that fervent zeal with which you have appeared to defend the interest of the United States in the dispute respecting the delivery of the posts and the line of demarcation with the Spaniards. From whence then arises this silence? Are you ignorant of the effects of this determination which extends the oppression of Great-Britain to the very wilds of America? Can you be ignorant that the three-fifths of that active and valuable class of citizens which export the products of the country, equip the ships which carry the American flag to the extremities of the earth, and which supports our fisheries, in the perfect confidence and security of being protected by that government to whom they have sworn allegiance, are thereby entirely thrown on the mercy of England? And do you not foresee that its immediate consequence is authorizing the British ships of war hereafter to seize the crews of our vessels under the appearance of a right? Where then is this zeal of yours which resounded in every Gazette, when the subject in question was merely a momentary suspension of a *part* of the treaty with Spain, although this nation had the most powerful motives for so doing? What is become of the phalanx of scribblers, at whose head you appeared, with FENNO and the mighty PORCUPINE to defend vigourously the rights of America? Surely neither you nor any other person whatever will pretend to deny

or even express a doubt, that the above mentioned declaration of the British monarch, does not violate them in a most unjust and hostile manner? From whence then so much noise and clamour when treating of the affairs in dispute with Spain? And from whence arises that servile silence, in a *Native American* when the question is to defend his country against the tyranny of England? This difference of conduct confirms my suspicions of your being a mere British hireling, who has assumed a respectable title in order the more easily to deceive the good faith and candor of your readers; but fortunately you have completely unmasked yourself, and the public may now judge the degree of faith and confidence to be placed in your productions. But to return to the affairs of Spain.

In my former letters I think I evidently proved the injustice of your attacks against Spain and its ministers: I think I have sufficiently shewn that the projects of Blount, and the intended expedition of the English against the possessions of his Catholic Majesty, have justified the retention of the posts, as the most imminent danger might have arisen by their delivery. I shall now endeavor to give fresh proofs of our administration's not acting towards Spain with that equity, justice and honour which a sound policy requires, and which certainly appertains to a nation that calls itself neutral, and affects to be strictly so.

Ever since exterior commerce and navigation, which is its consequence, have influenced in politics, mercantile connexions have been considered the links which unite most one nation with another. These mercantile relations consist in mutual wants and reciprocal means of satisfying them. From such evident principles it results that there exists few nations which would and ought to establish a more intimate connexion than the United States and Spain. Our flour, plank, timber, pitch and the articles of salt provisions, can always find a sure and advantageous market in his Catholic Majesty's dominions both in Europe and America; on the other hand, the wines, brandies, oil, and fruits of Spain, the coffee and sugar of her colonies are articles we are in want of. Behold here the basis of a perfect union and friendship which would open an extensive field for speculation with mutual advantage. His Catholic Majesty made the first step towards this union, by concluding with the United States a very liberal treaty established on the principles of sound policy, and when we ought to have expected that our administration would endeavour to tighten the bands of friendship with a nation from whom so many advantages would have accrued, it signed on the 4th of May, 1796, *only a few months* after concluding a treaty with Spain, an *explanatory*

article to that part of the English treaty which regards the navigation of the Mississippi, acknowledging to the English a right to the said navigation. In order to convince every impartial American of the injustice of this proceeding, I shall not seek in any foreign text for arguments on which to ground mine. The principles established by the officers of the United States, three or four years ago will be the basis of my observations.

When the Secretary of State, Mr. Jefferson, wrote on the 15th of May, 1793, to M. de Ternant, then minister plenipotentiary of France, claiming the British ship *Grange*, taken at the entrance of the Delaware, by the French frigate *l'Am-buscade*, he communicated to him the opinion of the Attorney-General of the United States, in which, among others, he founded his claim on the following reasons:

“That the whole of its descent (the river Delaware) to the Atlantic Ocean, is covered on each side by territory of the United States:

“That from tide-water to the distance of about sixty miles from the Atlantic Ocean, it is called the *river Delaware*:

“That its mouth is formed by the Capes Henlopen and May; the former belonging to the State of Delaware in property and jurisdiction, the latter to the State of New-Jersey.

“That the Delaware does not lead from the sea to the dominions of any foreign nation.

“The corner stone of our claim is, that the United States are proprietors of the land on both sides of the Delaware, from its head to its entrance into the sea.

“*A river considered merely as such, is the property of the people through whose lands it flows, or of him under whose jurisdiction that people is.* Grot. b. 2. c. 2. §. 12.

“*Rivers might be held in property; though neither where they rise nor where they discharge themselves be within our territory, but they join to both, or the sea. It is sufficient for us that the larger part of water, that is the sides, is shut up in our banks, and that the river, in respect of our land, is itself small and insignificant.* Grot. b. 2. c. 3. § 7. and Barobegre in his note subjoins that neither of those is necessary.

“*Rivers may be the property of whole States.* Puff. b. 3. c. 3. § 4.

“*To render a thing capable of being appropriated, it is not strictly necessary that we should enclose it, or be able to enclose within artificial bounds, or such as are different from its own substance, it is sufficient if the compass and extent of it can be any way determined. And therefore Grotius has given himself a needless trouble, when to prove rivers capable of property, he useth this argument, that although they are bounded by the land at neither end, but united to the other rivers*

or the sea, yet it is enough, that the greater part of them, that is their fides, are enclosed. Puff. b. 4. c. 5. § 3.

“When a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers. Vattel, b. 1. c. 22. § 266.

“Congress too have acted on these ideas, when, in their collection of laws, they ascribe to a state the rivers wholly within that State.

“The gulphs and channels, or arms of the sea, are, according to the regular course, supposed to belong to the people with whose lands they are encompassed. Puff. b. 4. c. 5. § 8.

“These remarks may be enforced by asking, what nation can be injured in its rights, by the Delaware being appropriated to the United States? And to what degree may not the United States be injured, on the contrary ground? It communicates with no foreign dominion.”

Now, Mr. *Native American*, what a multitude of consequences could we not draw by an application of these principles (established by our administration four years ago,) to the subject respecting the navigation of the Mississippi! What powerful arms was it not in the hands of Spain to have refused us this navigation! Not to have made use of them and her insisting, in an explicit and positive manner, *that the citizens alone of the United States* should have a right to the advantages of this river, evidently proves her good faith and sound intentions. But as the right which the Americans have to navigate this river, to the very ocean, is no longer doubtful, let us quit this topic and treat only of that with respect to the right acknowledged, by our administration, in favour of England to these advantages.

What does Spain wish for, or desire? *that, of all foreign nations, the Americans alone* should enjoy the privilege of this navigation. And what is the wish and desire of our administration? That the citizens of America *should not be the only people* to enjoy its advantages. From this it evidently results, that the King of Spain is the defender of the interests of America, and that our administration instead of promoting it, has meanly sacrificed it to England. Impartial Americans, who love your country, with more sincerity than the *Native American* to whom I address this letter, let your attention rest a while on the present subject, and you will evidently see I do not exaggerate, when I tell you, that in this respect our administration has basely sacrificed our advantages by their unjust partiality to Great-Britain. In order to make this more evident, examine the answer given by Mr. Pickering on the 17th of May to the Chevalier de Yrujo's letter of the 6th of the same month; in

it you will see, that the Secretary of State of a neutral nation, precisely in a moment when his administration is taxed of being unjustly partial to England, instead of effacing this impression by a line of conduct strictly neutral, takes upon himself to defend the cause and interests of Great-Britain. Mr. Pickering, attacked by the strength of the Chevalier de Yrujo's arguments, says, "But I might deny that the United States *ever* granted the right of navigating the Mississippi to Great-Britain, a recurrence to the treaties to which you refer, will prove that she possessed that right by the peace of 1763; and that she has never *formally relinquished it*." In another paragraph of the same letter he says "By the definitive treaty of peace between Spain and Great-Britain in 1783, the latter ceded to Spain East Florida, as also West Florida; but the river Mississippi, as you observe, is not even mentioned in the treaty. What is the just inference from this circumstance the United States need not decide. Doubtless Great-Britain conceives it important to hold a right to the navigation of it, and all parties at that time certainly supposed that parts of her territories joined its eastern side; and probably no one can now say they do not." Mr. *Native American*, if it be true that the United States *never* granted the right of navigating the Mississippi as far as the ocean, to Great-Britain, can you or any other person who knows how to read, pretend to deny that if they did not *grant* it, they *solemnly acknowledged* it, as appears by the treaty of 1783, the unfortunate treaty of Commerce, and lastly by the explanatory article, signed the 4th of May, 1796? How then can Mr. Pickering presume to say, "what is the just inference from this circumstance the United States need not decide," has it not been positively decided in favor of Great-Britain by acknowledging and confirming an unjust right thereto? Which of the principles established by the officers of Government respecting the Delaware in the affair of the Grange, can be applied to England, with respect to the Mississippi? Does it take its rise in her dominions; does it run through the territories, or does it empty itself in her possessions? However, Mr. Pickering says that, when by the definitive treaty of peace of 1783, England ceded East and West Florida, no mention was made of the Mississippi; Mr. *Native American*, the Attorney General of the United States has established the principle of Vattel, that, *when a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, and rivers*; of course when Great-Britain ceded East and West Florida, it equally ceded the *lands, lakes, and rivers* to which it had a right in the said provinces. By this same principle of Mr. Pickering, as no mention was made of the rivers Apala-

chicola, Mobile or Alabama, and others, the United States might with as much propriety suppose themselves authorized to recognize a right to their navigation in favour of Great-Britain. France might equally claim a right to the navigation of the Mississippi, as in the act of ceding New-Orleans to Spain, she does not expressly renounce the navigation of said river. On the very same principle the United States might suppose themselves authorized to recognize a right to France to the navigation of the river St. Laurence: the case is identically the same, France has not an inch of land on its banks, England has not a spot on those of Mississippi. The river St. Laurence neither takes its rise, nor runs, or empties itself in the possessions of France; the Mississippi neither rises, nor runs, or empties itself in the dominions of Great-Britain. France *had once* a right to the navigation of the river St. Laurence, because she had possessions on its banks: England likewise *had once* a right to the navigation of the Mississippi, because she had possessions on its borders. In the cession of Canada no mention is made of the river St. Laurence, although mention is made of its islands: in the cession of the Floridas no mention is likewise made of the Mississippi; thus then, I repeat, the case is identically the same. Now, Mr. *Native American*, if the United States were to *require or acknowledge*, although they did not *grant*, to France a right to navigate the river St. Laurence, would not England, with great reason be highly offended? Would she not look upon this act of the United States as an outrage? If so, why should not Spain look upon herself as grossly injured by the acknowledgement of a right as injurious to the subjects of Spain as it is to the citizens of America? I again repeat the quotation of Vattel, "when a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers." Mr. Pickering continuing in the language and style of an advocate for Great-Britain, instead of using that which becomes the Secretary of State of a nation which calls itself neutral, speaking whether the English possessions touch on the Mississippi or not, adds, "and probably no one can now say they do not." I, Mr. *Native American*, can assure you *they do not*, and if Mr. P—— had been attentive to the progress of Geography, and was even acquainted, as it is his duty, at least with that of his own country, he would know, as well as me, *that they do not*. The last discoveries of M^r Kenzie, and the Map published in London 18 months ago, by Mr. A. Arrowsmith, fully prove the origin of the Mississippi to be in the *White Bear Lake*, and that from this point its course does not run through any British possession. If it were necessary to produce any new testimony in addition

to the foregoing, I would not seek it among foreigners: At Milford, in Connecticut, there actually lives a Mr. Peter Pond, who was employed 17 years in the service of the Hudson Bay company; he has gone over and examined particularly all those regions; he has been at the very source of the Mississippi, namely, the *White Bear Lake*, and has made out a valuable Map, which he yet preserves in manuscript, and which confirms that the English have not a foot of land on the Mississippi. With these proofs, Mr. *Native American*, (notwithstanding Mr. Pickering's doubts, which are perhaps voluntary) I think I can safely assure you, *they do not*.

Mr. *Native American*, the prosperity of the United States depends on peace, and peace on a strict neutrality; let us be just and we shall be respected. *Honesty is the best policy*, and surely the contents of my former letter, as well as those of the present one, evidently prove that our administration has neither acted with justice or honesty towards Spain. The clamours respecting the momentary suspension of the least essential part of the treaty, have been incessant, when in reality, at the very moment Spain held out a friendly and liberal hand to us, we have repaid this act of generosity with ingratitude, *recognizing to her enemy a claim to a pretended and unjust right*. The friendship of Spain ought to be dear to us, as from a good understanding with her may result a commercial treaty, which would at the same time vivify and supply her colonies and open an extensive field for the prosperity of our navigation and commerce. The unjust proceeding of the administration is not surely the method of obtaining an object we ought all anxiously to wish for. If the administration acts with justice and equity it is the duty of every good American to support it; but I observe with much regret that many of my fellow-citizens, daily confound the *ministers*, or the *administration* with *government*, and think they support the latter, when in fact they support the administration. If ministers, animated either by the spirit of party or by other views, proceed in their measures with injustice, it is necessary to attack the *administration* in order to support the *government*; for the administration can in many instances be as much the enemy of the government as merchants are often the greatest enemies of commerce.

I hope, Mr. *Native American*, you will be pleased to favor me with an answer on the different points contained in this letter, as I shall look on your silence to be an implicit confession of the impossibility you find therein. Although the various subjects contained herein are susceptible of greater elucidation, I have adhered solely to the most prominent points in

order to facilitate your answer, and that the public may thoroughly investigate the subject.

V E R U S.

(No. 18.)

The Secretary of State, to the Chevalier de Yrujo.

Department of State, Philadelphia, Jan. 20th, 1798.

S I R,

AS your letters of the 9th of October and 21st of November last, contained no new matter of any consequence, and a fresh discussion of the points in dispute would require, on my part, only a recurrence to arguments formerly and conclusively urged, the general impression on my mind was, that it would not be necessary to give them a formal reply; whatever notice it might be proper to take of them in a report to the President of the United States. Nevertheless, I will now trouble you with a few observations.

A consideration of the papers heretofore laid before Congress, relative to the affairs on the Mississippi, of others since received from thence, in conjunction with your letter of the 9th of October and its inclosures, convinces me that the conduct of Mr. Ellicott and Lieutenant Pope has been neither "scandalous" nor "insulting" towards the Spanish officers in that country; and that if any undue zeal or intemperance has been manifested by either in maintaining the just Rights of the United States,—the measures adopted by those officers to evade the execution of the Treaty between the United States and Spain, have been the cause. It is by this course of conduct in the Spanish officers that the King, their master, has been dishonoured, and not by the actions of the officers of the United States. I may, doubtless, be justified in saying, that their detention of the Posts and delays to run the boundary line, have been unauthorized by the King. It is certain that neither of those Spanish officers has ever intimated an order from their government as a warrant or an apology for their proceedings.

In your letter of the 21st of November, you recur to the several topics of your letter of the 6th of May, 1797; but exhibit no new argument on the points really in dispute. You barely mention the subject of the articles contraband of war, and the principle that free ships make free goods. The stipulations

of the United States on these points, in their Treaty of 1794, with Great-Britain, were fully justified in my answer of the 17th of May to your letter of the 6th. If any thing further were necessary, I would say (what I then mentioned as not to be doubted) that the Spanish government voluntarily entered into the different stipulations with the United States, when it possessed full knowledge of our stipulations in the Commercial Treaty with Great-Britain; having in its hands the Treaty itself; and having also ratified its Treaty with the United States six months afterwards; which the Spanish government would have been justified in refusing, had there been any deception, any want of good faith on these points, on the part of the United States; but of which not a shadow of proof can be adduced.

The same observations apply to the other subject of your letter,—the navigation of the river Mississippi; but with greater force; for, as I showed in my letter of the 17th of May, when the Prince of Peace proposed a mutual stipulation to exclude the British from the navigation of the Mississippi, Mr. Pinckney rejected it, and explicitly, because it would violate the Faith of the United States previously pledged to Great-Britain; and the projected Article of the Prince of Peace was altered accordingly. Yet you now introduce those previous stipulations as subjects of complaint against the United States! It is true, you also mention the subsequent explanatory article of the 4th of May 1796, which is added to the Treaty of amity commerce and navigation of 1794, with Great-Britain: but it is equally true that this contains no new stipulation, that it recognizes the principle that no subsequent Treaty can make void prior engagements (and, therefore, that this explanatory Article of 1796, cannot in the smallest degree affect the prior Treaty of 1795 with Spain) and that British subjects, the Citizens of the United States, and the native Indians, shall enjoy full liberty of passage, intercourse and commerce with each other, “*according to the stipulations of the third article of the Treaty of amity, commerce and navigation.*” So that this explanatory article goes not beyond, but is positively confined within the limits of the third Article of the Treaty of 1794; which, preceding, in order of time, the Treaty with Spain, by more than eleven months, and being also at the conclusion of the Spanish Treaty perfectly well known to its Government; it cannot, consequently, afford to Spain the slightest ground of complaint.

I pass unnoticed your lengthy quotation from the Opinion of Mr. Randolph, Attorney General of the United States in 1793, and your observations upon it; because neither one nor the other touch the essential point in dispute between us.

As to the question in the last paragraph of your letter, I am authorized to say, That the United States are not concerned to vindicate the claim of Great-Britain to the navigation of the river Mississippi. What was said on this subject in my letter of the 17th of May, was in consequence of your having entered into an examination of the British title to this navigation; and I said expressly, that I did not conceive it essential to the subject we were then discussing: I merely followed you. Our stipulation amounts only to this, that the United States shall not obstruct the navigation of the River by British subjects. If Great-Britain demands and obtains it; or if Spain admits her claim, as she has reserved the right to do, in the 4th Article of her treaty with the United States, the latter cannot oppose it; and if the British vessels and Boats do navigate the Mississippi, we are bound to admit them into our ports on the eastern bank of that river. Whether this admission would be advantageous or injurious to the United States, it belonged to them only to judge: they have not asked, nor will they have occasion to ask Spain to be the guardian of their Rights and Interests on the Mississippi: they only desire, in this respect, that she would faithfully perform her own engagements sanctioned by a solemn Treaty.

I am, Sir,

Your obedient servant,

TIMOTHY PICKERING.

(No. 19.)

Extract of a letter from Mr. Pickering, Secretary of State, to Mr. Ellicott, dated Department of State, July 14th, 1797.

“ON the 8th of June I received by Mr. Knox your dispatches dated the 14th of April, which were laid before Congress on the 12th of June, and on the 29th of June, I received by captain Hunter, your dispatches dated the 10th of May, which on the 3d of July, were also laid before Congress, together with the dispatches from Captain Pope to the Secretary of War. These communications to Congress appear in the inclosed pamphlets.

With respect to the important business with which you are charged, the repeated promises, followed by as often repeated failures to enter upon it, by the Spanish governors, with other

circumstances, afford too much reason to believe that there is an intention to postpone it. Nevertheless, the President is of opinion, and directs that you should remain at the Natchez, and always hold yourself in readiness to commence the running of the boundary line between the territories of the United States and of his Catholic Majesty. You will endeavour, in concert with Governor Gayoso, or other proper officer of his Catholic Majesty, to fix a time when this work of ascertaining the boundary line shall commence. This endeavour may be renewed as often as you shall think fit. Great care should be used to give no just cause of offence to the Spanish Government. What will be the final result of its measures is uncertain; but if war should follow, it will be of the last importance that the United States should not be the aggressors. The President, therefore, desires that your conduct should be perfectly guarded, moderate, and prudent."

(No. 20.)

Extract of a letter from Mr. Pickering, Secretary of State, to Mr. Ellicott, dated Department of State, Philadelphia, August 30, 1797.

"YOUR expresses, Mr. Bean and Mr. Robins, arrived here on the 24th instant, and delivered me your two letters of June 27th. The same day I received your letters of May 27th and June 4th and 5th.

The Baron de Carondelet's proclamation of the 24th of May, inclosed in your letter of June 4th, abandons almost all the former pretences for retaining the posts, which he says "is occasioned only by the imperious necessity of securing Lower Louisiana from the hostilities of the English, who have set on foot (without regard to the inviolability of the territory of the United States) an expedition against Upper Louisiana." By my former dispatches covering the printed reports and documents, you will have seen that this expedition had never any existence. This is more fully shown in my letter of the 8th instant, to the Chevalier de Yrujo, now inclosed. And my answer to him about the navigation of the Mississippi, and the articles of our treaties with Great-Britain concerning it, also among the printed documents, demonstrates that in those stipulations we have not departed from the strictest line of good faith towards

Spain ; that we have granted nothing in respect to the navigation of the Mississippi, to Great-Britain ; and that the ideas the United States entertained on that subject, were perfectly known and understood by the government of Spain, when our treaty with Spain was concluded ; and that there is nothing contradictory between the two treaties, the British and Spanish.

As therefore the Baron de Carondelet has not a shadow of foundation to suspect an expedition by the British against Upper Louisiana, as the American government has formally declared to the British Minister, for the information of his government, that we will suffer the march of neither British nor Spanish troops through our territory, for the purpose of hostility of one against the other ; as, finally, the British themselves (as you will see in Mr. Liston's letter among the printed documents) declare they never had formed such a plan of an expedition, and acknowledged that its execution would violate our territorial rights—for these reasons, on the principles of his proclamation the Baron ought immediately to evacuate the posts and territory of the United States.

These observations will also apply to the Baron's proclamation of the 31st of May, in which, however, he takes somewhat new ground. What "security" can the United States give, or rather what will the Baron deem a "security" against a descent of the English by the Mississippi?

If the facts and assurances already stated and given on the part of the United States do not satisfy, nothing can.

With respect to any hostile intentions of the United States towards Spain, as intimated by the Baron in this last proclamation, nothing is more unfounded. The march of the troops to Tennessee from the Ohio, is for the sole purpose of establishing a force in that country to restrain the inhabitants or other citizens from aggressions against the Cherokees, and especially to prevent a forced settlement, which was threatened, on the Indian lands, and any orders to the Cumberland militia to hold themselves in readiness, can be only for the object of preventing encroachments on the Indian lands, and to preserve peace. If we meditated an attack against the Spaniards on the Mississippi we should certainly contemplate an easier route than by a wilderness of many hundred miles in extent, through which the transportation of stores and provisions would be impracticable ; or of such extreme difficulty and boundless expence, as folly alone would attempt.

I have now only to notice the general commotion at the Natchez, among the inhabitants, against the Spanish government, which seems to have been quieted very much by your prudent management. This line of conduct, caution, prudence,

moderation—so as by all means to avoid the possibility of a charge of aggression against the United States—you will see in my letter of the 14th of July, was specially enjoined by the President. And a perseverance in the same course I trust will eventually issue in a peaceable adjustment of the disputes now subsisting, respecting the posts, the country where they are situated, and the navigation of the Mississippi. The pacific views of the United States and their good faith are not to be doubted, and it is clear as demonstration can make it, that the Baron has nothing to apprehend from the British from Canada: and consequently that he has now no cause or pretence for retaining the posts, or for delaying to run the boundary line."



